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FEDERAL REGISTER

VOLUME 8 NUMBER 152

Washington, Tuesday, August 3, 1943

The President

PROCLAMATION 2591

ENLARGING THE HURON, MANISTEE, OTTAWA, MARQUETTE, AND HIAWATHA NATIONAL FORESTS, MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands which have been acquired or hereafter may be acquired by the United States through exchanges with the State of Michigan under authority of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (U.S.C., title 7, secs. 1010, 1012, 50 Stat. 522, 525), are situated within the exterior boundaries of the Huron National Forest, the Manistee National Forest, the Ottawa National Forest, the Marquette National Forest, or the Hiawatha National Forest; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as parts of the national forest within which they are situated:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and Title III of the said Bankhead-Jones Farm Tenant Act, and as President of the United States, do proclaim that all lands within the exterior boundaries of the Huron, Manistee, Ottawa, Marquette, and Hiawatha National Forests, in the State of Michigan, which have been acquired or hereafter may be acquired by the United States through exchanges with the State of Michigan, under authority of Title III of the said Bankhead-Jones Farm Tenant Act, are hereby reserved, or immediately upon acceptance of title by the Secretary of Agriculture shall be reserved, as parts of the respective national forests within which they are situated, and shall be subject to all laws, rules, and regulations applicable to national forest lands acquired under the provisions of the act approved March 1, 1911 (36 Stat. 961, U.S.C., title 16, secs. 480, 500, 501, 516, 519–521), and acts amendatory or supplementary thereto.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of July, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43–12487; Filed, July 31, 1943; 4:12 p. m.]

EXECUTIVE ORDER 9366

RELATING TO THE OPERATION AND DISPOSITION OF ELECTRIC ENERGY AT THE DENISON DAM, THE GRAND RIVER DAM, AND THE NORFORK DAM, IN THE STATES OF TEXAS, OKLAHOMA, AND ARKANSAS

WHEREAS the United States, under the direction of the Secretary of War and the supervision of the Chief of Engineers of the War Department, is constructing the Denison Dam Project at Denison, Texas, for the purpose of improving navigation, regulating the flow of the Red River, controlling floods, and for other beneficial uses, and in connection therewith will install, operate, and maintain facilities for the generation of electric power and energy; and

WHEREAS it is essential to the prosecution of the war, and in the interest of the public, that the electric power and energy to be generated at the Denison Dam Project be distributed and made available to war plants and establishments, public bodies and cooperatives, and other persons, in the order named, with the ultimate purpose of providing a dependable market for such power and energy; and

WHEREAS it is essential that there be unified administrative control over the disposition of electric energy generated at this and other adjacent power projects under Federal control:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States,

(Continued on p. 10701)

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THE PRESIDENT

REGULATIONS AND NOTICES

(Continued on p. 10700)

FEDERAL REGISTER

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particularly by section 16 of the Federal Power Act, Title I of the First War Powers Act, 1941 (55 Stat. 838), and by Title III of the Second War Powers Act, 1942 (56 Stat. 176), and as Commander in Chief of the Army and Navy and as President of the United States, it is hereby ordered as follows:

I. 1. The Secretary of the Interior is hereby designated as agent for the sale and distribution of electric power and energy generated at the Denison Dam Project and not required for the operation of that Project.

2. The Denison Dam Project (including facilities for the generation of electric energy) shall be completed, maintained, and operated under the direction of the Secretary of War and the supervision of the Chief of Engineers, subject to the provisions of the Flood Control Act, approved June 28, 1938, as amended, and this order.

3. The Secretary of War shall (a) provide and maintain for the use of the Secretary of the Interior at the Denison Dam Project adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the Secretary of the Interior for proper reception, handling, and dispatch of the electric energy generated at the Project, together with transformers and other equipment required by the Secretary of the Interior for the transmission of such energy from that place at suitable voltage to the markets which the Secretary of the Interior desires to serve; (b) deliver to the Secretary of the Interior the electric energy generated at the Denison Dam Project and not required for the operation thereof; and (c) schedule the operations of the electric generating unit or units and appurtenant equipment of the Denison Dam Project in accordance with the requirements of the Secretary of the Interior, so far as those requirements are consistent with requirements for the storage or discharge of water for improving navigation, regulating the flow of the Red River, controlling floods, and for other beneficial uses.

4. The Secretary of the Interior, acting for and on behalf of the United States, through such person or persons as he may designate, is hereby authorized and directed (a) to sell and dispose of electric energy generated at the Denison Dam Project to war plants and establishments, public bodies and cooperatives, and other persons, in that order of preference, at such rates as may be approved by the Federal Power Commission; and (b) to construct such facilities and to make such other arrangements as he deems necessary to interconnect the Denison Dam Project with other utility systems in the area and interchange electric energy with and purchase electric energy from such systems, and to sell and distribute electric energy, in accordance with the provisions of this order.

5. Being satisfied that the fulfilment of the military requirements of the United States will result in a shortage in the supply of copper and other materials and facilities for the transmission and distribution of electric energy required for the prosecution of the war, I hereby further authorize and direct the Secretary of the Interior to allocate transmission and distribution lines and appurtenant facilities in the area for the purpose of transmitting and distributing electric energy generated at the Denison Dam Project, to such extent as, in the judgment of the Secretary of the Interior, will not substantially interfere with the other uses of such lines and facilities, and upon such terms as the owners thereof and the Secretary of the Interior may thereafter agree upon or, in the absence of such agreement, as may be fixed by the Federal Power Commission.

6. All receipts from the sale and disposition of the electric energy generated at the Denison Dam Project shall be covered into the Treasury of the United States to the credit of "Miscellaneous Receipts".

7. The Secretary of the Interior may employ such personnel, without compliance with the requirements of the Civil Service Rules, and take such other steps, as may be necessary to carry out the provisions of this Order.

II. 1. Subject to the limitations and restrictions contained therein, all authority and power vested in the Federal Works Administrator by Executive Order No. 8944 of November 19, 1941 [1] with respect to the Grand River Dam Authority, Vinita, Oklahoma, Project No. 1494 (Pensacola Project) are hereby transferred to the Secretary of the Interior, to be exercised through such person or persons as he may designate.

2. Subject to the limitations and restrictions contained therein, all authority and power vested in the Federal Works Administrator by Executive Order 9353 of June 19, 1943 [2] with respect to the Norfork Project on the North Fork River in the White River Basin in the States of Arkansas and Missouri, are hereby transferred to the Secretary of the Interior to be exercised through such person or persons as he may designate.

3. All property, personnel, records, contracts, funds, and accounts used by the Federal Works Administrator in the administration of the functions transferred by this Order are hereby transferred to the Secretary of the Interior for use in the administration of such functions.

This Order shall become effective September 1, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 30, 1943.

[F. R. Doc. 43-12407; Filed, July 31, 1943; 10:43 a. m.]

[Functions of Liaison Officer for Emergency Management]

THE WHITE HOUSE,
Washington, July 29, 1943.

MY DEAR MR. BYRNES: In order to relieve you, in accordance with your desire, of your functions and duties as Liaison Officer for Emergency Management which relate to the supervision and direction of the Division of Central Administrative Services of the Office for Emergency Management (including your functions and duties under Executive Order No. 9211, dated August 1, 1942), I hereby transfer such functions and duties to the Director of the Division of Central Administrative Services.

You are requested to file this letter with the Division of the Federal Register, the National Archives, for publication in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D ROOSEVELT

HON. JAMES F. BYRNES,
Liaison Officer for
Emergency Management
The White House,
Washington, D. C.

[F. R. Doc. 43-12406; Filed, July 31, 1943; 10:14 a. m.]

[1] 6 F.R. 5947.
[2] 8 F.R. 8587.

Regulations

TITLE 7—AGRICULTURE

Chapter I—War Food Administration

Subchapter A—Commodity Standards and Standard Container Regulations

PART 27—COTTON CLASSIFICATION UNDER THE UNITED STATES COTTON FUTURES ACT

DESIGNATION OF CERTAIN SPOT MARKETS

By virtue of the authority vested in the War Food Administrator, the following amendments to Title 7, Chapter I, Subchapter A, Part 27, and 1941 Supp., Code of Federal Regulations, are hereby promulgated:

Strike out § 27.93 and substitute therefor the following:

§ 27.93 *Bona fide spot markets.* The following markets have been determined, after investigation, and are hereby designated to be bona fide spot markets within the meaning of the Act:

Atlanta, Ga.	Little Rock, Ark.
Augusta, Ga.	Memphis, Tenn.
Charleston, S. C.	Montgomery, Ala.
Dallas, Tex.	New Orleans, La.
Galveston, Tex.	Savannah, Ga.
Houston, Tex.	

Strike out § 27.94 and substitute therefor the following:

§ 27.94 *Spot markets (for certain determinations only).* (a) As to all cotton futures contracts calling for delivery of cotton after July 1944, and as to all cotton futures contracts in a form revised and adopted by a cotton futures exchange subsequent to July 14, 1943, the following are designated as spot markets for the purpose of determining, as provided in section 6 of the Act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 5 contract:

(1) For cotton delivered in settlement of any such contract at delivery points on or near the Gulf of Mexico:

New Orleans, La.	Galveston, Tex.
Memphis, Tenn.	Dallas, Tex.
Houston, Tex.	

(2) For cotton delivered in settlement of any such contract at delivery points on the Atlantic coast:

Memphis, Tenn.	Savannah, Ga.
Montgomery, Ala.	Charleston, S. C.
Augusta, Ga.	

(b) As to all other cotton futures contracts, the following are designated as spot markets for the purpose of determining, as provided in section 6 of the Act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 5 contract:

Augusta, Ga.	Little Rock, Ark.
Charleston, S. C.	Memphis, Tenn.
Dallas, Tex.	Montgomery, Ala.
Galveston, Tex.	New Orleans, La.
Houston, Tex.	Savannah, Ga.

(39 Stat. 476, as amended; 26 U.S.C. 1940 ed. 1920-1935; E.O. 9280, 9322, 9334, 7 F.R. 10179, 8 F.R. 3807, 5423)

Done at Washington, D. C., this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12512; Filed, August 2, 1943; 11:25 a. m.]

Chapter XI—War Food Administration

[FDO 2-2, Amdt. 1]

PART 1401—DAIRY PRODUCTS

PERCENTAGE OF BUTTER REQUIRED TO BE SET ASIDE

Pursuant to the authority vested in me by Food Distribution Order No. 2, dated January 5, 1943, as amended, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered,* That Director Food Distribution Order No. 2-2 be, and the same hereby is, amended to read as follows:

§ 1401.15 *Percentage of butter to be set aside during the months of August, September, and October 1943.* (a) Each person, who is required to set aside butter during the month of August, September, or October 1943, pursuant to the provisions of Food Distribution Order No. 2, as amended, shall set aside, during each of said months in which he is required to set aside butter, a quantity of butter equal to at least 30 percent of all butter produced by him during each month.

(b) This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 2, 8 F.R. 253, 5696; DFDO 2.2, 8 F.R. 9904)

Issued this 31st day of July 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-12482; Filed, July 31, 1943; 4:11 p. m.]

PART 1410—LIVESTOCK AND MEATS

[FDO 20, Amdt. 1]

PACKERS REQUIRED TO SET ASIDE LARD AND RENDERED PORK FAT

Food Distribution Order No. 20 (8 F.R. 1913), § 1410.1, issued under authority of the Secretary of Agriculture on February 11, 1943, is amended as follows:

1. By deleting the first sentence in (b) (1) and substituting in lieu thereof the following:

During such periods of time as the Director may by order specify, every packer shall set aside on a calendar week basis and hold for delivery to a governmental agency a quantity of lard and rendered pork fat equal to his total weekly production.

2. By amending (b) (3) thereof to read as follows:

During any period in which packers are required to set aside or hold lard or rendered pork fat pursuant to an order of the Director issued hereunder, any packer who has made an offer to sell, or who has sold or contracted to sell to any governmental agency a quantity of lard or rendered pork fat equivalent to such percentage of his total weekly production as the Director may determine, may, at his option, sell and dispose of the remainder of such weekly production.

3. By amending (c) thereof to read as follows:

The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Nothing contained in this amendment shall be construed to affect the provisions of this order with respect to lard or rendered pork fat which has been set aside by any packer prior to the effective date of this amendment.

With respect to violations of said Food Distribution Order No. 20, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order No. 20 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12483; Filed, July 31, 1943; 4:11 p. m.]

[FDO 71]

PART 1414—POULTRY

TURKEYS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of turkeys for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1414.1 *Restrictions on sale, delivery, purchase, and acceptance of turkeys*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) The term "Director" means the Director of Food Distribution, War Food Administration.

(3) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) The Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing turkeys in accordance with said Food Distribution Regulation 2.

(4) The term "dressed turkeys" means turkeys which have been slaughtered, bled, and plucked.

(b) *Restrictions.* (1) No person shall sell, contract to sell, or deliver live turkeys, and no person shall purchase, contract to purchase, or accept delivery of live turkeys.

(2) No person shall sell, contract to sell, or deliver turkeys slaughtered or dressed by such person, or for such person's account, after the effective time of this order; and no person shall purchase, contract to purchase, or accept delivery of turkeys slaughtered or dressed after the effective time hereof.

(3) The provisions of this order shall not prohibit the sale or delivery of live, slaughtered, or dressed turkeys to a governmental agency or to any person for such person's use in the fulfillment of an existing contract with a governmental agency.

(4) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of turkeys of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Administrator, War Food Administration, serving the area (8 F.R. 9315) in which the turkeys subject to the restrictions hereof are located. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied wtih the action taken on the petition by the Regional Administrator, he may, by requesting the Regional Administrator therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using turkeys, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order, except as provided in (e) hereof, shall be addressed to the Regional Administrator of the Food Distribution Administration, War Food Administration, serving the area (8 F.R. 9315) in which the person affected by the order resides or does business.

(i) *Territorial extent.* This order shall apply only to the forty-eight States of the United States and the District of Columbia.

(j) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., Aug. 2, 1943.

(E.O. 9280, 8 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423.)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12486; Filed, July 31, 1943; 4:11 p. m.]

[FDO 70]

PART 1470—FOOD STORAGE FACILITIES

REFRIGERATED FOOD STORAGE FACILITIES

The fulfillment of requirements for the defense of the United States will result

in a shortage of refrigerated storage facilities for the storage of perishable foods. The Chairman of the War Production Board has been informed of the action to be taken hereunder and has assented thereto. The following order is deemed necessary and appropriate in the public interest and to promote the National defense.

§ 1470.1 *Restrictions on use of refrigerated storage facilities*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other Government or agency thereof.

(2) The term "refrigerated storage facility" means any artificially cooled storage space of more than 10,000 cubic feet capacity (not operated as a part of an established wholesale or retail food business, hotel, or other establishment where persons are housed or fed, and not including that portion of the refrigerated storage facility occupied by individual lockers having a capacity of less than twenty-five cubic feet).

(3) The term "semi-perishable food" means any food designated by the Director as not requiring refrigerated storage.

(4) The term "storage month" means the period during which the monthly rate charged for the storage of any commodity is applicable.

(5) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* No person operating a refrigerated storage facility shall, after the effective date of this order, unless specifically authorized by the Director: (1) Receive for storage in such facility semi-perishable foods.

(2) Retain in storage in such facility semi-perishable foods after the expiration of the current storage month applicable to each item or lot of commodities in storage: *Provided,* That a minimum period of six days, excluding Sunday, after the effective date of this order shall be allowed in which to remove all such commodities from such facilities.

(3) Hold, for a period in excess of seventy-two hours from the time of reservation is made, storage space reserved by any person in such facility, unless the person operating such refrigerated storage facility is furnished with car numbers or copies of the bills of lading covering commodities which have been shipped to such facility by common carrier or, when means of transportation other than common carriers are used, other adequate evidence that the commodities to be stored have been shipped or are otherwise en route to such facility: *Provided,* That this paragraph (b) (3) shall not apply to the reservation of storage space for any food in its natural or unprocessed state which has not been previously wrapped, packed or prepared for market, or to fruits and vegetables packed in the field and moving to the first refrigerated storage facility.

(c) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(d) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises of, or commodities held in storage by, any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(h) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material or facilities subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials or facilities subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FD–70.

(j) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(k) *Effective date.* This order shall become effective 12:01 a. m., e.w.t. Aug. 3, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12484; Filed, July 31, 1943; 4:11 p. m.]

[FDO 70–1]

PART 1470—FOOD STORAGE FACILITIES

DESIGNATION OF SEMI-PERISHABLE FOODS AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by Food Distribution Order No. 70 dated July 31, 1943 (*supra*), and to effectuate the purposes of such order, *It is hereby ordered* As follows:

§ 1470.2 *Semiperishable foods designated and reports required*—(a) *Definitions.* The definitions contained in Food Distribution Order No. 70 shall apply to this order and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "net piling space" means the space available for the storage of commodities; i. e., the space inside rooms measured from wall to wall and floor to ceiling, minus the actual space provided for ventilation outside of the piling space and space occupied by coils, aisles, posts, and for proper clearance of ceiling sprinklers.

(2) The term "freezer space" means any space in a refrigerated storage facility held at a temperature of 29 degrees Fahrenheit or lower.

(3) The term "cooler space" means any space in a refrigerated storage facility held at a temperature between 30 and 50 degrees Fahrenheit.

(b) *Designation of semiperishable foods.* The following are designated as semiperishable foods not requiring refrigerated storage:

(1) Evaporated milk.
(2) Canned condensed milk.
(3) Dried skim milk.
(4) Dried whole milk in gas filled hermetically sealed containers.
(5) Sterile canned meats.
(6) Canned processed cheese.
(7) All types of flour and dry cereals.
(8) Canned fruits and vegetables, except citrus concentrates.
(9) Beer, wines, and liquors.

(c) *Records and reports.* Any person operating a refrigerated storage facility shall:

(1) Within ten days after the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD–70 on Form FDO 70–1, the following information:

(i) A list of all commodities designated in paragraph (b) hereof held by such person in a refrigerated storage facility on the effective date of Food Distribution Order 70, the quantity of each, and the date on which the current stor-

age month of each commodity or lot expires.

(2) Within three working days after the first and fifteenth day of each month following the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD-70 on Form FDO 70-2, the number of cubic feet of cooler and freezer space occupied, for all purposes, as of the first and fifteenth day of each month.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., on the 3rd day of Aug. 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 70, *supra*)

Issued this 31st day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-12485; Filed, July 31, 1943; 4:11 p. m.]

[FDO 7-1, Amdt. 1]

PART 1430—SUGAR

RAW SUGAR ALLOTMENTS

Correction

In the table in F. R. Doc. 12239 appearing on page 10606 of the issue for Friday, July 30, 1943, the dollar sign should not appear at the head of the column of figures.

Chapter XII—Commodity Credit Corporation

[Commodity Credit Corporation Order 5]

PART 1600—OILSEEDS

REQUIREMENTS FOR PROCESSORS TO SET ASIDE OILSEED MEAL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of soybean, cottonseed, and peanut meal for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1600.5. *Soybean, cottonseed, and peanut meal required to be set aside*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, including the States of the United States, their political subdivisions and agencies.

(2) "Corporation" means the Commodity Credit Corporation.

(3) "Oilseed meal" means meal or cake (including sized cake and pellets) of merchantable quality derived from the crushing of soybeans, cottonseed or peanuts.

(4) "Processor" means any person engaged in the business of crushing soybeans, cottonseed, or peanuts.

(b) *Restrictions on processors of oilseed meal.* (1) Every processor shall set aside for sale and delivery to the Corporation all oilseed meal which he owns or has under contract on the effective date of this order and all oilseed meal which is produced by him on or after the effective date of this order from soybeans grown in the calendar year 1942 or from cottonseed or peanuts grown in the calendar year 1942 which he owns or has under contract on the effective date of this order.

(2) Every processor of oilseed meal shall report to the President of the Corporation within 10 days after the effective date of this order: (i) The total quantity of oilseed meal which he owns or has under contract on the effective date of this order; (ii) The total quantity of soybeans, cottonseed, and peanuts grown in the calendar year 1942 which he owns or has under contract on the effective date of this order.

(3) Every processor of oilseed meal shall also report to the President of the Corporation within 5 days after the close of each month after the effective date of this order: (i) the total quantity of oilseed meal produced by him during such month from soybeans grown in the calendar year 1942 and from cottonseed or peanuts grown in the calendar year 1942 which are owned by him or which he has under contract on the effective date of this order; and (ii) the total quantity of soybeans grown in the calendar year 1942 acquired by him during such month.

(4) All oilseed meal set aside pursuant to this order shall be stored under the same conditions of storage customarily observed to maintain the grade and quality of oilseed meal, and shall be bagged and assembled for delivery in accordance with such requirements and specifications as the President of the Corporation may prescribe.

(5) The restrictions imposed by this order shall be observed without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The President of the Corporation shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of oilseed meal and of soybeans, cottonseed, and peanuts of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The President of the Corporation shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the President of the Corporation, setting forth in such petition all pertinent facts and the nature of the relief sought. The President of the Corporation may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using oilseed meal, soybeans, cottonseed, and peanuts, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the President of the Corporation. The President of the Corporation is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the President of the Corporation, be addressed to the President, Commodity Credit Corporation, United States Department of Agriculture, Washington, D. C., Ref. CCC-5.

(i) *Bureau of the Budget approval.* The specific record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Territorial scope.* The provisions of this order shall apply within the forty-eight states and the District of Columbia.

(k) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9522, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12431; Filed, July 31, 1943; 11:31 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-40, Supp. 1]

PART 105—HEAD TAX

HEAD TAX EXEMPTION FOR MILITARY OR NAVAL PERSONNEL

JULY 27, 1943.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735); and all other authority conferred by law, paragraph (m) of § 105.3, Title 8, Chapter I, Code of Federal Regulations is hereby amended as follows:

(m) *Military or naval personnel.* Members of the armed forces of the United States, or of foreign armed forces cooperating with the United States, including nurses and technicians attached to such armed forces, when entering the United States under official orders.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-12472; Filed, July 31, 1943; 2:38 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 30—SERVICEMEN'S DEPENDENTS ALLOWANCE

JOINT REGULATIONS UNDER SERVICEMEN'S DEPENDENTS ALLOWANCE ACT OF 1942

§ 30.1 *Period of entitlement and payment of family allowances.* Under provisions of the Servicemen's Dependents Allowance Act of 1942, approved June 23, 1942, the Secretary of War and the Secretary of the Navy prescribe jointly the following regulations to fix the dates of commencement and termination of monthly allowances and for related action.

(a) Payments of monthly family allowances shall be for periods of full calendar months.

(b) The period of entitlement and payment of family allowances, including increases therein, shall begin the first day of the calendar month during which application is filed unless otherwise hereinafter provided:

(1) The period of entitlement and payment shall not begin prior to the first day of the calenda rmonth during which the enlisted man enters upon active service in a pay status.

(2) The period of entitlement and payment in any case of an enlisted man who was in active service on June 23, 1942, shall begin the first day of June 1942 if he was in active service on June 1, 1942, and otherwise shall begin the first day of July 1942; provided application is filed within such period as the Secretary of the department concerned approves in the special case.

(3) The period of entitlement and payment of a Class B family allowance shall begin the first day of any calendar month later than that hereinbefore prescribed when requested by the enlisted man or when so determined by the Secretary of the department concerned in any case in which it is impracticable for the enlisted man to request the payment.

(4) The period of entitlement and payment in the case of a dependent acquired after a man enters in active service in a pay status shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired. Any increase in entitlement and payment shall similarly not begin prior to the first day of the calendar month following the month in which the dependent becomes eligible to such increase.

(5) The increased Government's contribution incident to the birth of a legitimate child shall be effective with the first day of the calendar month following the birth of such child.

(6) The period of entitlement and payment in the case of a dependent where an enlisted man is reduced to the fourth or lower pay grade shall be effective with the first day of the month in which such reduction occurs, except that in the case of a dependent acquired after the effective date of such reduction, the period of entitlement and payment shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired.

(c) The period of entitlement and payment of family allowances shall terminate or entitlement and payment shall be decreased as follows:

(1) The period of entitlement and payment in any case of death, discharge, or change of status of the enlisted man which makes his dependents ineligible to receive family allowances, shall terminate the end of the calendar month during which notice of such death, discharge or change of status is received by the disbursing officer paying the allowances.

(2) In any case of death, change in the status of a dependent or other circumstance which terminates the eligibility of such dependent to receive a family allowance or reduces the amount thereof, the period of entitlement shall cease with the calendar month in which such death, change or other circumstance occurs. Payment shall be terminated or appropriately reduced at the end of the period of entitlement above prescribed when practicable; otherwise not later than the end of a subsequent calendar month during which the disbursing officer paying the allowance receives notice of such death, change or other circumstance.

(3) The period of entitlement and payment shall terminate as of the end of the calendar month during which any written request submitted by an enlisted man for termination of a family allowance to his Class B dependent or dependents is received by the disbursing officer paying the allowance unless the enlisted man's request is for termination at the end of a subsequent calendar month.

(d) Making or not making deductions from or charges against the pay of the enlisted man shall not operate to modify or abrogate the prescribed period of entitlement and payment of family allowances.

(56 Stat. 383, 747; 37 U.S.C. Sup. 207)

These regulations shall be effective beginning the first day of August, 1943.

Approved: July 19, 1943.

HENRY L. STIMSON,
Secretary of War.
FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 43-12502; Filed, July 31, 1943; 11:24 a. m.]

Chapter IV—Military Education

PART 45—AVIATION INSTRUCTION AT NON-FEDERAL ESTABLISHMENTS

SELECTION OF INSTITUTIONS

Section 45.3 (a) is amended as follows:

§ 45.3 *Selection of institutions.* The selection of an institution to give instruction to military students will be made by the Commanding General, Army Air Forces.

(a) The primary requirement for selection will be the suitability of an institution to accomplish satisfactorily the training projected by the Army Air Forces. (53 Stat. 556; 10 U. S. C. 298a, 298b) [Par. 4a, AR 350-3500, 29 July 1942, as amended by C1, 19 July 1943]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12493; Filed, August 2, 1943; 9:47 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

INSIGNIA

In § 79.24 (b) (2) inferior subdivisions (xix) and (xxvi) are amended as follows:

§ 79.24 *Insignia for collar and lapel of coat.* * * *

(2) *Insignia of arm, service, and bureau.* * * *

(xix) *Officers not members of and not on duty with an arm or service, Specialist Reserve.* The coat of arms of the United States 9/16 inch in height within a ring 3/4 inch in diameter.

* * * * *

(xxvi) *Warrant officers.* An eagle rising with wings displayed standing on a bundle of 2 arrows, all inclosed in a wreath. Insignia 3/4 inch in height. (R.S. 1296; 10 U.S.C. 1391) [Par. 24b, AR 600-35, 10 November 1941, as amended by C 25, 20 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-12492; Filed, August 2, 1943; 9:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 25-1, Civil Air Regulations]

PART 25—PARACHUTE TECHNICIAN CERTIFICATES

CHANGE IN EFFECTIVE PERIOD OF EXISTING PARACHUTE TECHNICIAN CERTIFICATES AND CHANGE IN TENSILE STRENGTH OF THREAD SEALING PARACHUTE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of July 1943.

Effective July 21, 1943, Part 25 of the Civil Air Regulations is amended as follows:

1. By striking the following phrase from §§ 25.700 and 25.80 (c): "6 months after the effective date of this part" and inserting in each section in lieu thereof: "12 months after January 21, 1943."

2. By striking the words "two pounds" from § 25.86 and inserting in lieu thereof: "six pounds".

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-12491; Filed, August 2, 1943; 9:44 a. m.]

[Amendment 60-2, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

CROSSING RANGE APPROACH CHANNEL

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of July, 1943.

Effective July 28, 1943, § 60.39 of the Civil Air Regulations is amended to read as follows:

§ 60.39 *Crossing range approach channel.* Aircraft crossing a range approach channel shall give way to aircraft proceeding along and within the range approach channel, and in addition, aircraft when crossing a range approach channel above 1,500 feet above the ground or water shall do so at a constant altitude and at an angle of not less than 45°.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-12490; Filed, August 2, 1943; 9:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4935]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALBERT E. VOADEN

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with offer, etc., in commerce, of respondent's printed matter, consisting of circulars with reply cards attached, or any other similar printed or written material, (1) using the word "Survey" or any other word or words of similar import to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to obtaining information concerning the habits, preferences, or opinions of numbers of people; (2) selling or distributing circulars and cards or other printed or written material designed to be used for obtaining information to be used in the collection of debts, which represent, directly or by implication, that respondent's business is other than that of selling and distributing such circulars and cards or other printed material; or which represent, directly or by implication, that the information sought through such circulars and cards or other printed material is for any purpose other than for use in the collection of debts; or (3) using, or supplying to others for use, circulars and cards or other material which represents directly or by implication that they are for the purpose of conducting a survey or of obtaining information to determine the preference of members of the public, or the use by them of any brand of cigarettes or other commodities when the information sought is for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U.S.C. sec. 45b) [Cease and desist order, Albert E. Voaden, Docket 4935, July 21, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint except insofar as the said allegations relate to certain cards described in the said complaint as the "Bankers and Merchants Fountain Pen Co." cards and "Alvin's (No-Lose) Key Chains" cards, and states that he waives all intervening procedure and further hearing as to the facts so admitted, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Albert E. Voaden, individually and trading as Credit Advisory Service and as Cigarette Smoker's Survey, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's printed matter, consisting of circulars with reply cards attached, or any other printed or written material of substantially similar nature, do forthwith cease and desist from:

1. Using the word "Survey" or any other word or words of similar import to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to obtaining information concerning the habits, preferences, or opinions of numbers of people.

2. Selling or distributing circulars and cards or other printed or written material designed to be used for obtaining information to be used in the collection of debts, which represent, directly or by implication, that respondent's business is other than that of selling and distributing such circulars and cards or other printed material; or which represent, directly or by implication, that the information sought through such circulars and cards or other printed material is for any purpose other than for use in the collection of debts.

3. Using, or supplying to others for use, circulars and cards or other material which represents directly or by implication that they are for the purpose of conducting a survey or of obtaining information to determine the preference of members of the public, or the use by them of any brand of cigarettes or other commodities when the information sought is for use in the collection of debts.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he was complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43-12410; Filed, July 31, 1943; 11:12 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supplement 4, July 30, 1943 to Rev. V of April 23, 1943]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Office of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 4 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision V of April 23, 1943 (8 F.R. 5435), is hereby promulgated.[1]

[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
LEO T. CROWLEY,
Director, Office of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

JULY 30, 1943.

[F. R. Doc. 43-12445; Filed, July 31, 1943; 12:19 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and excess profits taxes

[T. D. 5288]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

RECOVERY OF BAD DEBTS, PRIOR TAXES, AND DELINQUENCY AMOUNTS

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 116 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding section 22 (b) (13) the following:

SEC. 116. RECOVERY OF BAD DEBTS, PRIOR TAXES, AND DELINQUENCY AMOUNTS. (Revenue Act of 1942, Title I.)

(a) *Exclusion from income.* Section 22 (b) (relating to exclusions from gross income) is amended by adding at the end thereof the following new pargaraph:

(12) *Recovery of bad debts, prior taxes, and delinquency amounts.* Income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to such debt, tax, or amount. For the purposes of this paragraph:

(A) *Definition of bad debt.* The term "bad debt" means a debt on account of worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

(B) *Definition of prior tax.* The term "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

(C) *Definition of delinquency amount.* The term "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

(D) *Definition of recovery exclusion.* The term "recovery exclusion", with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this chapter (not including the tax under section 102) or corresponding provisions of prior revenue laws, reduced by the amount excludible in previous taxable years with respect to such debt, tax, or amount under this paragraph.

(E) *Special rules in case of section 102 tax and personal holding company tax.* In the application of subparagraphs (A), (B), (C), and (D) in determining the tax under section 102 or Subchapter A of Chapter 2, a recovery exclusion allowed for the purposes of Chapter 1 shall be allowed for the purpose of such section or subchapter whether or not the bad debt, prior tax, or delinquency amount resulted in a reduction of the section 102 tax or Subchapter A tax for the prior taxable year; and in the case of a bad debt, prior tax, or delinquency amount not allowable as a deduction or credit for the prior taxable year under Chapter 1 (except section 102) but allowable for the same taxable year under such section or subchapter a recovery exclusion shall be allowable for the purposes of such section or subchapter if such bad debt, prior tax, or delinquency amount did not result in a reduction of the tax under such section 102 or such Subchapter A. As used in this subparagraph references to Chapter 1, section 102, and Subchapter A in the case of taxable years not subject to the Internal Revenue Code, shall be held to be made to corresponding provisions of prior revenue Acts.

(b) *Effective date of amendments under the Internal Revenue Code.* The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1938.

* * * * *

§ 19.22 (b) (12)-1 *Recovery of bad debts, prior taxes and delinquency amounts*—(a) *In general.* Section 22 (b) (12) provides that income attributable to the recovery during any taxable year of bad debts, prior taxes, and delinquency amounts shall be excluded from gross income to the extent of the "recovery exclusion" with respect to such items. In substance, the recovery exclusion is an amount equal to the portion of such items which, when deducted or credited for a prior taxable year, did not result in a reduction of any tax of the taxpayer under chapter 1 of the Internal Revenue Code (other than a tax under section 102) or under corresponding provisions of prior revenue laws.

(1) *Section 22 (b) (12) items.* Bad debts, prior taxes, and delinquency amounts are defined in section 22 (b) (12) (A), (B), and (C), respectively. A typical example of a delinquency amount described in that section is interest upon delinquent taxes. The bad debts, prior taxes, and delinquency amounts referred to in that section, called "section 22 (b) (12) items" in this section, are only those for which a deduction or credit was allowed for a prior taxable year. Thus, if a bad debt was previously charged against a reserve by a taxpayer on the reserve method of treating bad debts, it was not deducted, and it is therefore not considered a section 22 (b) (12) item.

(2) *Definition of "recovery".* Recoveries result from the receipt of amounts in respect of the previously deducted or credited items described in section 22 (b) (12), such as from the collection or sale of a bad debt, refund or credit of taxes paid, or cancellation of taxes accrued. Care should be taken in the case of bad debts which were treated as only partially worthless in prior years to distinguish between the item described in section 22 (b) (12), that is, the part of such debt which was deducted, and the part not previously deducted, which is not a section 22 (b) (12) item and is considered the first part collected. The collection of the part not deducted is not considered a "recovery". Furthermore, the term "recovery" does not include the gain resulting from the receipt of an amount on account of a section 22 (b) (12) item which, together with previous such receipts, exceeds the deduction or credit previously allowed for such item. For instance, a $100 corporate bond purchased for $40 and later deducted as worthless is subsequently collected to the extent of $50. The $10 gain (excess of $50 collection over $40 cost) is not a recovery of a section 22 (b) (12) item. Such gain is in no case excluded from gross income under section 22 (b) (12), regardless of whether the $40 recovery is or is not excluded.

(3) *Treatment of debt deducted in more than one year by reason of partial worthlessness.* In the case of a bad debt deducted in part for two or more prior years, each such deduction of a part of the debt is considered a separate section 22 (b) (12) item. A recovery with respect to such debt is considered first a recovery of those items (or portions thereof), resulting from such debt, for which there are recovery exclusions. if there are recovery exclusions for two or more items resulting from the same bad debt, such items are considered recovered in the order of the taxable years for which they were deducted, beginning with the latest. The recovery exclusion for any such item is determined by considering the recovery exclusion with respect to the prior year for which such item was deducted as being first used to offset all other applicable recoveries in the year in which the bad debt is recovered.

(4) *Special provisions as to worthless bonds, etc., which are treated as capital losses.* For taxable years beginning on or after January 1, 1938, bad debts on account of certain worthless securities and, for taxable years beginning on or after January 1, 1943, certain nonbusiness bad debts are treated as losses from the sale or exchange of capital assets. See section 23 (k) of the Code, and section 23 (k) of the Revenue Act of 1938. The amount of the deductions allowed for any year under section 117 (d) on account of such losses for such year is considered to be section 22 (b) (12) items. Any part of such losses which, under section 117 (d), is a deduction for a subsequent year through the capital loss carryover (any later receipt of an amount with respect to such deducted loss is a recovery) is considered a section 22 (b) (12) item for the year in which such loss was sustained. Bad debts are considered the last capital losses deducted under section 117 (d) or carried over under section 117 (e).

(b) *Computation of recovery exclusion*—(1) *Amount of recovery exclusion allowable for year of recovery.* For the year of any recovery, the section 22 (b) (12) items which were deducted or cred-

ited for one prior year are considered as a group and the recovery thereon is considered separately from recoveries of any items which were deducted or credited for other years. This recovery is excluded from gross income to the extent of the recovery exclusion with respect to this group of items as (i) determined for the original year for which such items were deducted or credited (see (2) below of this subparagraph) and (ii) reduced by the recoveries in intervening years on account of all section 22 (b) (12) items for such original year. A taxpayer claiming a recovery exclusion shall submit, at the time the exclusion is claimed, the computation of the recovery exclusion claimed for the original year for which the items were deducted or credited, and computations showing the amount recovered in intervening years on account of the section 22 (b) (12) items deducted or credited for the original year.

(2) *Determination of recovery exclusion for original year for which items were deducted or credited.* The recovery exclusion for the taxable year for which section 22 (b) (12) items were deducted or credited (that is, the "original taxable year") is the portion of the aggregate amount of such deductions and credits which could be disallowed without causing an increase in any tax of the taxpayer imposed under chapter 1 of the Code (such as the normal tax, surtax, and victory tax), other than the tax imposed on corporations by section 102 for the improper accumulation of surplus, or in any tax imposed under corresponding provisions of prior revenue laws. For this purpose, consideration must be given to the effect of net operating loss carry-overs and carry-backs or capital loss carry-overs.

The preceding paragraph shall be applied by determining the recovery exclusion as the aggregate amount of the section 22 (b) (12) items for the original year for which such items were deducted or credited reduced by whichever of the following amounts is the greatest:

(i) The difference between (*a*) the income subject to normal tax (net income reduced by credits allowable for normal tax purposes) for such original year and (*b*) the income subject to normal tax computed without regard to the section 22 (b) (12) items for such original year.

(ii) The difference between (*a*) the surtax net income for such original year and (*b*) the surtax net income computed without regard to the section 22 (b) (12) items for such original year.

(iii) For taxable years beginning on or after January 1, 1942, in the case of taxpayers other than corporations, the difference between (*a*) the income subject to victory tax (the victory tax net income reduced by the specific exemption) for such original year and (*b*) the income subject to victory tax computed without regard to the section 22 (b) (12) items for such original year.

(iv) In the case of a taxpayer subject to any income tax in lieu of normal tax or surtax or both (except the alternative tax on capital gains imposed by section 117 (c), which is disregarded), the difference between (*a*) the income subject to such tax for such original year and (*b*) the income subject to such tax computed without regard to the section 22 (b) (12) items for such original year.

(Neither the amount determined under (*a*) nor the amount under (*b*) of (i), (ii), (iii), or (iv) above shall in any case be considered less than zero.) For this determination of the recovery exclusion, the aggregate of the section 22 (b) (12) items must be further decreased by the portion thereof which caused a reduction in tax in preceding or succeeding taxable years through any net operating loss carry-overs or carry-backs or capital loss carry-overs affected by such items. This decrease is the aggregate of the largest amount determined for each of such preceding and succeeding years under (i), (ii), (iii), and (iv) above, the computation of each carry-over or carry-back to the preceding or succeeding year being made under clause (*a*) of (i), (ii), (iii), and (iv) with regard to the section 22 (b) (12) items for the original year, and such computation being made under clause (*b*) without regard to such items. For the purposes of the preceding sentence, the computations under both clause (*a*) and clause (*b*) shall be made without regard to any section 22 (b) (12) items for such preceding or succeeding year and the carry-overs and carry-backs to such year shall be determined without regard to any section 22 (b) (12) items for years subsequent to the original year.

Example. A single individual, who has no dependents, has for 1942 $2,800 gross income, $2,000 business expenses, and a deduction of $900 for bad debts and of $700 for property taxes. His income and deductions for 1941 are set out below. His recovery exclusion on account of the section 22 (b) (12) items for 1942 (the debts and taxes) is $500, determined as follows:

The $1,600 aggregate of the section 22 (b) (12) items is reduced by the $300 difference between the surtax net income for 1942 computed with and without regard to such aggregate, since this difference is greater than such difference between the incomes subject to normal tax, ascertained as follows:

	With deduction of section 22 (b) (12) items	Without deduction of section 22 (b) (12) items
Gross income	$2,800	$2,800
Less: Business expenses	2,000	2,000
Remainder	800	800
Less: Bad debts and taxes	1,600	----------
Net income or (loss)	(800)	800
Personal exemption	500	500
Surtax net income	0	300
Earned income credit	0	80
Net income subject to normal tax	0	220
Difference between surtax net incomes ($300—$0)	----------	300
Difference between incomes subject to normal tax ($270—$0)	----------	220

The taxpayer had no items which would cause section 122 (d) adjustments for 1942 or 1941. For 1941 he had $6,000 gross income, and his only deduction was a net operating loss deduction of $800 based on his loss for 1942. There would be no net operating loss deduction for 1941 if the carry-back to 1941 was computed without regard to the section 22 (b) (12) items for 1942. Accordingly, $800 of such items for 1942 resulted, by way of carry-back to 1941, in a reduction of tax for 1941, since net income subject to normal tax and surtax net income for 1941 were reduced to the extent of the carry-back (computed in the manner set forth in the preceding paragraph). The $1,600 aggregate of the section 22 (b) (12) items for 1942 is further reduced by the $800 which caused a reduction in tax through the carry-back. Therefore, the recovery exclusion for the items for 1942 is $500, that is, the $1,600 aggregate of such items reduced by the $300 and by the $800.

In 1946 the taxpayer recovers $400 of the property taxes. All of this recovery is excluded from income by reason of the recovery exclusion of $500 determined for the original year 1942. In 1947, he recovers all of the bad debt of $900, of which $100 is excluded from gross income. That is, the recovery exclusion of $500 determined for the original year 1942 is reduced by the $400 recovery in 1946 on account of the section 22 (b) (12) items deducted for such original year.

(c) *Provisions as to taxes imposed by section 102 and subchapter A of chapter 2.* Section 22 (b) (12) (E) provides special rules for determining the recovery exclusion in the case of the tax imposed on corporations by section 102 for the improper accumulation of surplus and the tax imposed on personal holding companies by subchapter A of chapter 2 of the Code. Such taxpayers have, for the purposes of such taxes, the recovery exclusion described in the preceding paragraphs of this section. This recovery exclusion is used for the purposes of the taxes imposed by section 102 and subchapter A of chapter 2 regardless of what particular effect the section 22 (b) (12) items had on such taxes, that is, regardless of whether the section 22 (b) (12) items did or did not cause a reduction of such taxes. Furthermore, a recovery exclusion is granted for certain other items which are described in section 22 (b) (12) (E). The recovery exclusion on account of such other items shall be determined under the principles set forth in this section with respect to section 22 (b) (12) items.

Prior Income Tax Regulations

PAR. 2. Subsection (c) of section 116 of the Revenue Act of 1942 (Public Law 753, 77th Congress) provides as follows:

(c) *Under prior revenue acts.* For the purposes of the Revenue Act of 1938 or any prior revenue act, the amendments made to the Internal Revenue Code by subsection (a) of this section shall be effective as if they were a part of each such revenue act on the date of its enactment.

Pursuant to the above provision of law, the amendments to Regulations 103 (covering taxable years beginning after December 31, 1938) set forth in this Treasury decision are hereby made applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S.C., 1940 ed., 62), corresponding provisions of prior internal revenue laws, and sec. 116 of the Reve-

nue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: July 30, 1943.

D. W. BELL,
Acting Secretary of the Treasury.

[F.R. Doc. 43-12376; Filed, July 30, 1943; 4:03 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 640—MINIMUM WAGE RATE IN THE COTTONSEED AND PEANUT CRUSHING INDUSTRY

RECOMMENDATION OF INDUSTRY COMMITTEE

AUGUST 16, 1943.

In the matter of the recommendation of Industry Committee No. 57 for a minimum wage rate in the Cottonseed and Peanut Crushing Industry.

Whereas, on March 27, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 189, appointed Industry Committee No. 57 for the Cottonseed and Peanut Crushing Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Cottonseed and Peanut Crushing Industry in accordance with section 8 of the Act; and

Whereas, the Committee included four disinterested persons representing the public, a like number of persons representing employers in the Cottonseed and Peanut Crushing Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Cottonseed and Peanut Crushing Industry is carried on; and

Whereas, on May 4, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Cottonseed and Peanut Crushing Industry; and

Whereas, after notice duly published in the FEDERAL REGISTER on May 18, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on June 2, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Cottonseed and Peanut Crushing Industry, as defined by Administrative Order No. 189, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 57 for a Minimum Wage in the Cottonseed and Peanut Crushing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, *Now, therefore, it is ordered,* That:

§ 640.1 *Approval of recommendation of Industry Committee No. 57.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,

§ 640.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Cottonseed and Peanut Crushing Industry; and

§ 640.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Cottonseed and Peanut Crushing Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 640.4 *Definition of the Cottonseed and Peanut Crushing Industry.* For the purpose of this order the term "Cottonseed and Peanut Crushing Industry" means:

The manufacture from cottonseed and peanuts of crude oil and by-products, including, but without limitation, cake, hulls, and linters; *Provided however,* That this definition shall not include the manufacture of feeds.

§ 640.5 *Scope of the definition.* The definition of the cottonseed and peanut crushing industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations; *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale; and provided further that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 640.6 *Effective date.* This wage order shall become effective August 16, 1943.

Signed at New York, New York, this 29th day of July 1943.

(Sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208)

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-12373; Filed, July 30, 1943; 2:09 p. m.]

PART 641—MINIMUM WAGE RATE IN THE VEGETABLE FATS AND OILS INDUSTRY

RECOMMENDATION OF THE INDUSTRY COMMITTEE

AUGUST 16, 1943.

In the matter of the recommendation of Industry Committee No. 58 for a minimum wage rate in the Vegetable Fats and Oils Industry.

Whereas, on April 6, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 190, appointed Industry Committee No. 58 for the Vegetable Fats and Oils Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Vegetable Fats and Oils Industry in accordance with section 8 of the Act; and

Whereas, the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Vegetable Fats and Oils Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Vegetable Fats and Oils Industry is carried on; and

Whereas, on May 6, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Vegetable Fats and Oils Industry; and

Whereas, after notice duly published in the FEDERAL REGISTER on May 18, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on June 2, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special

reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Vegetable Fats and Oils Industry, as defined by Administrative Order No. 190, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Commfttee No. 58 for a Minimum Wage in the Vegetable Fats and Oils Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, now, therefore, *It is ordered*, That:

§ 641.1 *Approval of recommendation of Industry Committee No. 58.* The Committee's recommendation is hereby approved, and in accordance with such recommendation,

§ 641.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Vegetable Fats and Oils Industry; and

§ 641.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Vegetable Fats and Oils Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 641.4 *Definition of the Vegetable Fats and Oils Industry.* For the purposes of this order the term "Vegetable Fats and Oils Industry" means:

A. The extraction of crude oils and fats from vegetable materials (other than cottonseed and peanuts) and the refining and processing of all vegetable fats and oils, including those derived from cottonseed and peanuts, into oleomargarine, cooking and other edible fats and oils, and into inedible fats and oils.

B. The manufacture of the by-products of the industry including but without limitation hulls, cake, meal, and soap stock.

Provided, however, That this definition shall not include the manufacture of the following: essential oils; feeds; nitrated, sulphonated and similarly processed oils; mixtures principally composed of animal fats and oils or containing petroleum; and crude, refined, or processed wood and gum naval stores.

§ 641.5 *Scope of the definition.* The definition of the Vegetable Fats and Oils Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations; *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale; *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 641.6 *Effective date.* This wage order shall become effective August 16, 1943.

Signed at New York, New York, this 29th day of July 1943.

(Sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208)

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-12374; Filed, July 30, 1943; 2:09 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1997]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF

Order amending order granting temporary relief and order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of certain price classifications and minimum prices for the coals of Peerless Coal & Coke Company, Peerless Mine No. 4, Mine Index No. 248.

An order granting temporary relief was issued in the above entitled matter on July 6, 1943, 8 F. R. 9427, establishing price classifications and minimum prices for the coal of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal & Coke Company located in District No. 7.

In the past the coals of the Peerless No. 4 Mine were prepared over a temporary ramp tipple and dumped into railroad cars without cleaning. On that basis price classifications were established by the Division by order issued in Docket No. A-1072, Part II. A petition filed in the above designated docket alleges that Peerless Coal & Coke Company is presently installing Joy loading machines and shuttle cars at Peerless No. 4 Mine and that most of the coal from this mine will be mechanically cleaned and sized over the tipple of Mine Index No. 137 by means of modern preparation facilities. It is further alleged that the Peerless No. 4 Mine coals will be of a substantially higher quality than the same coal when loaded over the temporary ramp tipple. Petitioner requested therefore that two sets of minimum prices be established, dependent upon the method of preparation. However, it is contrary to the established policy of the Division to establish different minimum prices for the same coals and, accordingly, a hearing had been scheduled to determine the precise details of the matter and temporary relief had been established by the assignment of the present price classifications for the coals of the Peerless No. 4 Mine even though most of such coal was to be prepared in modern preparation facilities. In view of the fact that the Bituminous Coal Act will cease to be in effect on August 24, 1943 which makes impossible the completion of any hearing, it is now necessary to reexamine this matter.

It does appear that higher price classifications should be established for the coals of Peerless No. 4 Mine when cleaned and prepared over the tipple of Mine Index No. 137, and it also appears that the lower price classifications established for unprepared coals are no longer necessary in view of the fact that most of the coal will be prepared and, therefore, the present price classifications should be revoked.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, *It is ordered*, That the order issued in Docket No. A-1072, Part II, and the order granting temporary relief, dated July 6, 1943, 8 F.R. 9427, in the above-entitled matter be, and they hereby are, amended by revoking the price classifications established therein for the coals of Peerless Mine No. 4, Mine Index No. 248, of Peerless Coal & Coke Company; and

It is further ordered, That pending further order in the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck is supplemented to include the following price classifications in the following size groups for the coals produced at Peerless Mine No. 4, Mine Index No. 248, located in District No. 7, of the Peerless Coal & Coke Company;

Size groups and price classifications: 1, B; 2, B; 3, A; 4, A; 5, A; 6, B; 7, B; 8, D; 9, D; 10, D.

It is further ordered, That pleading in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before August 7, 1943, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on

August 10, 1943, unless it shall otherwise be ordered.

The petition requests the establishment of a "C" price classification in Size Group 1. It appears that the Peerless No. 4 Mine is operating in the Pocahontas No. 4 Seam, and on the basis of comparable, analogous coals produced in this seam, a "B" price classification is established herein for the Peerless No. 4 Mine.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-12518; Filed, August 2, 1943; 11:27 a. m.]

[Docket No. A-1849]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF

Order of the Director in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices, and for changes in shipping points and freight origin group numbers for the coals of certain mines in District No. 8.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that a special price exception should be established to permit the sale of Size Group 16 (Mine Run) coal produced by the Shrewsbury Mine (Mine Index No. 575) of L. A. Wilson (Wilson Coal Co.) in Kanawha County, West Virginia, in Subdistrict 4 of District 8, to Cedar Grove Collieries, Inc., for preparation at its tipple in mixture with the coal produced by the Cedar Grove Mine (Mine Index No. 96), and resale thereof by Cedar Grove Collieries, Inc., at the minimum prices applicable to the coal produced by the Cedar Grove Mine, and pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937;

It is hereby ordered, That effective as of the date hereof, § 328.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedules of Effective Minimum Prices for District No. 8 for All Shipments Except Truck Shipments be amended by the addition of a Special Price Exception as follows:

Size Group 16 coals produced by the Shrewsbury Mine, (Mine Index No. 575) of L. A. Wilson (Wilson Coal Co.) may be sold to Cedar Grove Collieries, Inc., for loading into barges or other floating equipment (either as Size Group 16 coals or as screened into other sizes) at the tipple of Cedar Grove Collieries, Inc., located at Cedar Grove, West Virginia, in mixture with coals produced by the Cedar Grove Mine (Mine Index No. 96), at not less than the minimum price applicable to the sale of Size Group 16 coals produced by the Cedar Grove Mine for free alongside deliveries; and Cedar Grove Collieries, Inc., may resell such coals (either as Size Group 16 coals or as screened into other sizes) at not less than the minimum prices applicable to the same shipment of coals of the same size produced by the Cedar Grove Mine, as if such coals purchased from L. A. Wilson (Wilson Coal Co.) were produced by the Cedar Grove Mine: *Provided,* That when such mixture is sold, the invoices shall properly identify the coal.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-12519; Filed, August 2, 1943; 11:28 a. m.]

Chapter VI—Solid Fuels Administration for War

PART 603—OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

NOTE: The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943 (8 F.R. 6655) designated as §§ 603.1 to 603.40, inclusive, of Chapter VI are redesignated as §§ 801.1 to 801.40, inclusive, of Chapter VIII.

Chapter VIII—Coal Mines Administration

PART 801—REGULATIONS FOR THE OPERATION OF COAL MINES UNDER GOVERNMENT CONTROL

The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943 (8 F.R. 6655), previously designated §§ 603.1 to 603.40, inclusive of Chapter VI are redesignated §§ 801.1 to 801.40, inclusive of Chapter VIII and are amended, as follows:

1. Subparagraph (3) of § 801.6 is amended to read as follows:

(3) The term "Coal Mines Administrator" means the Administrator of the Coal Mine Administration of the Department of the Interior.

2. Section 801.10 is amended to read as follows:

§ 801.10 *Supervision and direction.* (a) The power, authority, and discretion of the Secretary of the Interior with respect to the operation of coal mines may, under the authority of Order No. 1847 of the Secretary of the Interior, dated July 27, 1943, be exercised by the Coal Mines Administrator (hereinafter referred to as the Administrator) and, subject to his supervision, by the Deputy Coal Mines Administrator (hereinafter referred to as the Deputy Administrator) to the same extent and with the same effect as such power, authority, and discretion may be exercised by the Secretary of the Interior. The power, authority, and discretion of the Administrator and Deputy Administrator may be exercised by them through such personnel of the Coal Mines Administration and the Department of the Interior and in such manner as the Administrator or Deputy Administrator may determine.

(b) The "Regulations for the Operation of Coal Mines under Government Control" issued by the Secretary of the Interior on May 19, 1943 (8 F.R. 6655) are adopted and continued in effect except as amended, amplified and added to from time to time.

3. Paragraph (b) of § 801.17 is amended by changing the period at the end thereof to a comma and adding thereto the following:

* * * as hereinabove and hereinafter specified. No Operating Manager for the United States of any mining company is authorized or shall be regarded as having authority, express or implied, to bind or impose any liability on the United States or any of its officials or agents in the absence of a specific direction or order by the Administrator to that effect. Nor shall any operations of any mine property in the possession and control of the Government, or the proceeds, earnings or liabilities of such mine property in any event be, or be regarded as being, for the account or at the risk or expense of the Government except as a specific written direction or order to that effect shall have been given by the Administrator.

4. Section 801.40 is amended to read as follows:

Termination of Government Control

§ 801.40 *Method of termination.* Government possession and control of any property affected by these regulations will be terminated by the Administrator upon a determination by him that the requirements for the termination of such possession and control specified in the War Labor Disputes Act of June 25, 1943, have been fulfilled. After the termination of Government possession and control, and for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 may be concluded in an orderly manner, the Administrator may require the submission by any mining company of information relating to operations during the period of Government possession and control as hereinafter provided.

The Operating Manager for the United States of each mining company with respect to which the United States Government has taken possession and control shall advise the Administrator when, in his opinion, such requirements for the termination of such possession and control have been fulfilled, specifying the date of declared restoration of productive efficiency, and furnishing to the Administrator the factual evidence supporting his opinion.

Forthwith upon the termination of such possession and control by the Administrator, the mining company may elect to execute and deliver to the Administrator one of the two instruments described in paragraphs 1 and 2 below:

Either:

1. The mining company, by a duly authorized officer or agent, not later than ten days subsequent to such termination, unless such period is extended by the Administrator for good cause shown, shall execute and deliver to the Administrator an instrument of ratification (in the form to be prescribed by

the Administrator) by which the mining company adopts and ratifies all acts performed by, and omissions of, the Operating Manager for the United States in the operation of the coal mines of the company during the period of Government control, and covenants and agrees that the Government of the United States and its officials shall not be subject to any claims by the mining company or others by reason of the possession and control of the coal mines of the mining company.

The execution and delivery to the Administrator of such an instrument (hereinafter called Instrument No. 1) shall be deemed to constitute a waiver by the Government of all rights which it may have to an accounting with respect to all operations during the period of Government possession and control, and a discharge of the Operating Manager for the United States from any liability to the Government with respect to all actions taken by him as such.

Or:

2. The mining company, by a duly authorized officer or agent, not later than ten days subsequent to such termination, unless such period is extended by the Administrator for good cause shown, shall execute and deliver to the Administrator an instrument which specifically reserves to the mining company the right to assert a claim for damage alleged to have been suffered by it during the period of Government possession and control as the direct result of a specific direction or order of the Administrator, or his duly authorized agent, but which in all other respects is the same as Instrument No. 1.

Such instrument shall:

a. Specify the particular direction or order of the Administrator which the mining company asserts directly resulted in damage to the mining company,

b. Specify the particular action taken pursuant to such direction or order, which action would not have been taken except for such direction or order, and which action, it is claimed resulted in damage to the mining company, and

c. Specify the nature of the damage asserted to have been so caused and the amount thereof.

The execution and delivery to the Administrator of such an instrument (hereinafter called Instrument No. 2), provided such instrument is in conformity with the above prescribed requirements, shall be deemed to constitute a waiver by the Government of all rights which it may have to an accounting with respect to all operations during the period of Government possession and control, expressly reserving the right, however, to assert by way of offset to any such claimed liability, benefits resulting to the mining company from Government possession and control and any other defense against such asserted liability.

The mining company shall specify to the Administrator such further detailed information with respect to items a, b and c, above, as shall be requested or directed by the Administrator.

If, however, within ten days after the termination of possession and control by the Government, unless such period is extended by the Administrator for good cause shown, the mining company shall not execute and deliver to the Administrator either Instrument No. 1 or Instrument No. 2, as above provided, then the Administrator may assume that the mining company claims, or reserves the right to claim, that all operations during the period of Government possession and control of the property have been for the account of the Government, and accordingly that the Operating Manager for the United States and the mining company are accountable to the Government for their custodianship and disposition of proceeds from operations accruing during the period of Government possession and control. Pending the completion of such an accounting, the appointment of the Operating Manager for the United States shall continue in force for the purposes of such an accounting and appropriate determinations with respect thereto.

Accordingly, in such an event the Operating Manager for the United States and the mining company shall forthwith cause to be prepared, and shall promptly furnish to the Administrator, the following:

1. A detailed Comparative Balance Sheet as of the date of the termination of Government possession and control and as of the date of the beginning of such period.

2. A detailed Statement of Income and Profit and Loss for the period of Government possession and control.

3. A physical inventory to be taken at the close of such period, for all items normally subject to inventory.

4. A Cost and Tonnage Statement for the period in the form to be prescribed by the Administrator.

5. A detailed analysis of all changes in Current Assets, Investments, Reserves, Fixed Assets and Deferred Charges accounts occurring during the period.

6. A detailed statement of all charges to Bad Debts or against Reserves therefor.

7. An explanation of the basis of charges for Depreciation, Depletion and Amortization for the period.

8. A detailed analysis of all changes in amounts due to or from affiliated companies.

Statements required under items 1 and 2 are to be certified by an independent Certified Public Accountant unless otherwise directed by the Administrator on the application for good cause shown by the mining company. Statements required under items 3 through 8 are to be certified by an authorized officer of the company.

In addition to the foregoing, the Operating Manager for the United States and the mining company shall furnish to the Administrator such additional data and information as the Administrator shall request or direct pertaining to the period of operation under Government possession and control and a fair evaluation of the results thereof.

For the purposes of checking any inventories, accountings or other information submitted under this section 40, accountants and other agents of the Government shall be given reasonable access to all books, papers and inventories of the mining company pertinent thereto.

The books and records of the mining company covering operations during the period of Government possession and control shall be maintained intact pending the completion by accountants or other agents of the Government of such inspection thereof as may be deemed necessary by the Administrator. The books and records of the mining company pertaining to operations subsequent to the termination of Government possession and control, and pending such inspection, shall be maintained in such fashion that the effect of such operations upon the condition of the company as of the end of the period of Government possession and control will be readily ascertainable.

None of the provisions of this section 40, and no action that shall be taken pursuant to any of them, shall be deemed to constitute acquiescence by the Administrator in any claim that operations during the period of Government possession and control were for the financial account of the Government, or acquiescence in any other claim that the Government is subject to any liability to the mining company or any other person or persons with respect to any such action, or otherwise. None of the provisions of this section, nor any action taken pursuant to any of them shall be deemed to constitute a waiver by the mining company of any right which it may have to assert a claim against the United States, except as waived by the execution and delivery of Instrument No. 1 or of Instrument No. 2.

Dated: July 29, 1943.

HAROLD L. ICKES,
Coal Mines Administrator.

[F. R. Doc. 43-12494; Filed, July 31, 1943; 5:10 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 167, 2d Ed.]

PART 605—GENERAL ADMINISTRATION

QUOTAS AND CALLS INFORMATION PROHIBITED

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 605.42 to read as follows:

§ 605.42 *Furnishing information relative to quotas and calls prohibited.* Information concerning quotas or calls shall not be examined by or disclosed or furnished to anyone except when required in the administration of the Selective Training and Service Act of 1940, as amended.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 30, 1943.

[F. R. Doc. 43-12495; Filed, August 2, 1943; 9:54 a. m.]

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

ORDER REVOKING CERTAIN LICENSES AUTHORIZING EXPORTATIONS TO ARGENTINA

It is hereby ordered, That all outstanding individual export licenses, issued by the Board of Economic Warfare prior to May 1, 1943, authorizing the exportation of commodities to Argentina, except such licenses designated as SP (Special Projects) or WP (War Projects) and such licenses authorizing exportations to mining companies holding War Production Board mine serial numbers or to meat packing plants furnishing products under contract with any of the United Nations, be and the same are hereby revoked effective August 2, 1943: *Provided,* That shipments which were on dock, or lighter, or laden aboard an exporting carrier prior to August 2, 1943, may be exported pursuant to previous valid licenses.

It is further ordered, That any person holding such licenses revoked by this order may forward the same to the Office of Exports, Office of Economic Warfare, Washington 25, D. C., for revalidation

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 31, 1943.

[F. R. Doc. 43-12508; Filed, August 2, 1943; 11:18 a. m.]

[Amdt. 83]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "Shipping Priority Rating" the shipping priority rating assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby deleted and in the column headed "General License Group" the group designation assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General License Group
Beverages:		
Malt liquors (include beer, ale, stout, etc.).	1702.00 thru 1704.00	None
Grains and preparations:		
Barley	1011.00	None
Malt	1013.00	None
Tobacco and manufactures:		
Tobacco unmanufactured and tobacco manufactures.	2601.00 thru 2629.00	None
Vegetables and preparations:		
Yeast	1256.00	None
Vegetable products, miscellaneous:		
Hops	2951.00	None

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. This amendment shall become effective August 9, 1943.

(Sec. 6, 54 Stat. 714 Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938.)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 30, 1943.

[F. R. Doc. 43-12505; Filed, August 2, 1943; 11:17 a. m.]

[Amdt. 85]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are amended to read as follows:

Commodity	Department of Commerce No.	General license group
Chairs	4242.00	None
Office furniture and store fixtures	4244.00	None
Furniture, chief value of wood, n. e. s.	4247.00	None
Furniture, chief value of upholstery, n. e. s. (wood predominating in frame construction)	4248.00	None

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective August 9, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 30, 1943.

[F. R. Doc. 43-12507; Filed, August 2, 1943; 11:16 a. m.]

[Amdt. 81]

PART 802—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Part 802 General Licenses is hereby amended by assigning to the general licenses granted in § 802.10 *General licenses which permit shipments not exceeding a specified value,* the general license designation "GLV"; by assigning to the general licenses granted in § 802.12 *Photographic film,* the general license designation "GPF"; and by assigning to the general licenses granted in § 802.19 *Return of empty containers to foreign country,* the general license designation "GEC".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 31, 1943.

[F. R. Doc. 43-12503; Filed, August 2, 1943; 11:17 a. m.]

[Amdt. 82]

PART 802—GENERAL LICENSES

CANCELLATION OF CERTAIN GENERAL LICENSES

Paragraph (a) of § 802.3 *General license country groups* is hereby amended by placing before the names of the countries French Oceania, Clipperton Is., Gambier Is., Marquesas Is., Raiatea Is., Rapa Is., Society Is., Tahiti, Tuamotu, Tubuai, New Caledonia, Loyalty Is., and Wallis Archipelago the letter "a" wherever the names of such countries appear in this section.

This amendment shall become effective August 15, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 29, 1943.

[F. R. Doc. 43-12504; Filed, August 2, 1943; 11:17 a. m.]

[Amdt. 84]

PART 802—GENERAL LICENSES

Part 802 General Licenses is hereby amended by adding thereto § 802.20 *General license "G-AF"* as follows:

§ 802.20 *General license "G-AF"*—(a) *Definition.* When used in this section:

(1) "Household articles" shall mean furniture, refrigerators, radios, kitchen utensils and other articles ordinarily used as household furnishings.

(2) "Personal effects" shall mean clothing, books, toilet articles, articles of personal adornment, cameras and other similar articles.

(3) "Professional instruments" shall mean tools of trade required by a person in his occupation, profession, or employment.

(b) A general license designated "G-AF" is hereby granted authorizing the exportation of household articles, personal effects, professional instruments, and passenger automobiles by any person serving in the armed forces of the United States who is not a citizen of the United States: *Provided*, That:

(1) The exportation is made to a country wherein the exporter or his next of kin maintain a residence and such country is not enemy-occupied or controlled,

(2) A certificate in the following form signed by the exporter and countersigned by his commanding officer shall be filed with the United States Collector of Customs at the port of exit or with the United States Postmaster at the place of mailing when the exportation is made, and

(3) The exportation is not made for purposes of resale.

CERTIFICATE

I hereby certify that I am a member of the armed forces of the United States; that I am not a citizen of the United States; that the articles listed below are my property; that such property is being exported to a country wherein I or my next of kin maintains a residence; and that such property is not being exported for the purpose of resale.

(List of articles)

Signature and serial number

Commanding Officer Rank and Unit

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

JULY 30, 1943.

[F. R. Doc. 43-12506; Filed, August 2, 1943; 11:16 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 14 as Amended July 31, 1943]

ELECTRONIC RESEARCH SUPPLY AGENCY

§ 903.27 *Directive 14; Electronic Research Supply Agency*—(a) *Purpose.* (1) The purpose of this directive is to establish certain priorities policies, rules and exemptions for Electronic Research Supply Agency, an agency established pursuant to Defense Supplies Corporation contract of April 2, 1943, hereinafter referred to as Agency.

(2) It is recognized that Agency has been established by the Defense Supplies Corporation at the request of the War Production Board, and at the instance of the Army, the Navy, and the Office of Scientific Research and Development, to constitute a central source of supply for materials and components required for use in Government-sponsored research and development contracts or projects involving electronic equipment or devices; required for production of test models for such equipment or devices; or required for emergency demands.

(3) It is recognized that to effectuate the purposes of the Agency and to render it readily adaptable to service the ends for which it was created, it is necessary to determine certain policies for its operation and to exempt it in certain respects from the effect of regulations and orders of the War Production Board.

(b) *Acquisition of materials by Agency.* (1) Agency is authorized to apply for priorities assistance or allotments of controlled materials on any approved form now or hereafter issued by the War Production Board (including without limitation forms PD-1A, PD-1X, PD-408, CMP-4A and CMP-4B).

(2) Agency is further authorized to acquire such fabricated, partly fabricated or raw materials as are related to the fulfillment of the purposes expressed in paragraph (a) (2) hereof:

(i) By the application of preference ratings or allotment numbers assigned to Agency by any form or order of the War Production Board; or

(ii) By the extension of any preference rating or allotment number applied or extended by any person to deliveries to be made by Agency.

(3) Purchase orders placed by Agency shall be accompanied either by the form of certification provided in Priorities Regulation No. 3, or the form of certification provided in CMP Regulation No. 7; and Agency shall not be required to place any other endorsement, symbol, or identification on any purchase order placed by it.

(c) *Inventory, reports and records.* (1) Except to the extent that any regulation or order of the War Production Board expressly provides to the contrary:

(i) Agency shall be exempt from all inventory restrictions contained in regulations and orders of the War Production Board; and

(ii) Agency shall not be required to file or furnish reports or report forms provided or issued pursuant to regulations or orders of the War Production Board.

(2) Agency shall maintain at all times adequate records of its operations, which records shall be available and open to inspection by authorized representatives of the War Production Board.

(d) *Sale and distribution of materials by Agency.* (1) Agency shall be exempt from all provisions of the regulations of the War Production Board requiring the acceptance of defense orders or rated orders and specifying the sequence of deliveries thereon.

(2) Agency shall accept all purchase orders classified as "Approved orders" pursuant to such directions as may be furnished Agency from time to time by the Executive Committee of Agency, which Executive Committee shall consist of assigned representatives of the Army, Navy, War Production Board and Office of Scientific Research and Development, as specified in Defense Supplies Corporation contract of April 2, 1943.

(3) Agency shall fill "Approved orders" placed upon it according to such sequence of deliveries as may be established by the Executive Committee in directions furnished to the Agency from time to time.

(4) All purchase orders placed upon the Agency shall be accompanied by such form of endorsement or certificate as the Agency may prescribe pursuant to directions of its Executive Committee to identify them as "Approved orders" and to relate them to the uses specified in paragraph (a) (2) hereof.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of July 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-12441; Filed, July 31, 1943; 11:36 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-302, Amdt. 1]

DORNOIL PRODUCTS CO.

Pending the determination of the appeal by Dornoil Products Company from the provisions of Suspension Order No. S-302, issued June 22, 1943, the Chief Compliance Commissioner directed a stay of execution of the terms of Order S-302 from June 24 until July 1, 1943. Having denied the appeal of Dornoil Products Company, the Chief Compliance Commissioner has directed that Suspension Order S-302 be amended so as to extend the expiration date thereof by the time that the stay of execution was in effect.

In view of the foregoing, *It is hereby ordered*, That paragraph (c) of § 1010.302 Suspension Order S-302 be amended to read as follows:

(c) This order shall take effect on June 24, 1943 and shall expire on October 1, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12432; Filed, July 31, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-355]

EAST NEW YORK SAVINGS BANK

East New York Savings Bank is a New York banking corporation owning and

maintaining a branch bank at 1117 Eastern Parkway, Brooklyn, New York. After September 7, 1942, the bank began construction of a refrigerated fur-storage vault at these premises. The estimated cost of this construction at the time of its commencement was $3,750, which amount exceeded the $200 permissible under the order as amended. It is now expected that the total cost of the project, if completed, would be $4600. Responsible officials of the bank were aware that there existed a War Production Board order restricting construction prior to the issuance of the amendment on September 2, 1942, and were informed that the order would be so amended. They made no effort to examine the terms of the order itself or otherwise to ascertain its actual provisions, but continued construction until the project was 75 per cent. complete, when the bank was directed to cease construction by the War Production Board.

Construction of this cold storage fur vault by the bank was a violation of Conservation Order L–41, and it was done with such gross negligence that it must be deemed wilful.

These acts of the respondent were in wilful violation of Conservation Order L–41, and were of such significance as to require the imposition of an administrative penalty. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.355 *Suspension Order No. S–355.* (a) Neither East New York Savings Bank, its successors or assigns, nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use any material or construction plant in order to continue or complete any "construction" (as "construction" is defined in Conservation Order L–41, as amended) on the buildings and premises located at 1117 Eastern Parkway, Brooklyn, New York, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve East New York Savings Bank of Brooklyn, New York, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect July 31, 1943.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12433; Filed, July 31, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–370]

ATLANTIC MANUFACTURING CO.

Atlantic Manufacturing Company of Wilmington, Delaware, is a corporation engaged in the manufacture of rubber and leather products. During the period from April 1, 1942, to August 25, 1942, it used 319 pounds of crude rubber in the manufacture of belting, without prior approval of the War Production Board, and in the manufacture of shoe soles, hand pads, coal bags and tarpaulins. Subsequent to August 25, 1942 it consumed additional quantities of crude rubber in such manufacture. During the period from March 20, 1942, to August 25, 1942, it consumed 597 pounds of re-claimed rubber in the manufacture of coal bags, hand pads and tarpaulins, and subsequent to the latter date it consumed additional quantities of re-claimed rubber in the manufacture of belting, shoe soles, coal bags and hand pads, without authorization from the Director General for Operations, and in the manufacture of tarpaulins. These acts constituted violations of Supplementary Order M–15–b. Subsequent to July 31, 1942, it used rubber cement for treating fabrics or materials, without authority from the Director General for Operations, in violation of Supplementary Order M–15–f. During the foregoing periods responsible officers of the company knew that the use of rubber was restricted by orders of the War Production Board, and depended upon the advice of a minor employee, who failed to apprise them of the applicable restrictions. The failure of the officers of the company to independently ascertain the exact nature of the restrictions regarding their business constituted gross negligence, which makes these violations wilful.

These violations of Supplementary Orders M–15–b and M–15–f have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.370 *Suspension Order No. S–370.* (a) Atlantic Manufacturing Company, its successors and assigns, are hereby prohibited from consuming any crude rubber or re-claimed rubber in their manufacturing processes, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Atlantic Manufacturing Company, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 31, 1943, and shall terminate on October 31, 1943, after which latter date it shall have no further force or effect.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12434; Filed, July 31, 1943; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–379]

SHARP CONSTRUCTION CO.

Sharp Construction Company, 210 North Fifth Street, Reading, Pennsylvania, is a corporation engaged in building construction. Subsequent to September 7, 1942, the effective date of Conservation Order L–41 as amended, the company began construction on the remodeling of a residence at an estimated cost in excess of $1,500, and began construction by the remodeling of another residence at an estimated cost in excess of $7,500 without having obtained authority from the War Production Board in either case. These acts constituted violations of Conservation Order L–41, as amended September 2, 1942. At the time these constructions were begun, the respondent had knowledge that there were governmental restrictions on construction work, and its failure to ascertain the nature of these restrictions was so negligent as to render its violations wilful.

These violations of Conservation Order L–41 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.379 *Suspension Order No. S–379.* (a) Deliveries of material to Sharp Construction Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board.

(b) No allocation or allotment of materials or products shall be made to Sharp Construction Company, its successors or assigns, of any material or product the supply or distribution of which is covered by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Sharp Construction Company of any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) The terms of this order shall not apply to contracts or orders bearing a rating of AA–3 or higher.

(e) This order shall take effect on July 31, 1943, and shall expire on September 31, 1943.

Issued this 24th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12435; Filed, July 31, 1943; 11:37 a. m.]

PART 1083—KAPOK

[General Conservation Order M–85, as Amended July 31, 1943]

Section 1083.1 *General Conservation Order M–85* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created

a shortage in the supply of kapok for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1083.1 *General Conservation Order M–85*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Additional definitions.* For the purposes of this order:

(1) "Kapok" means the fiber or pulp from the pod of the Ceiba or Kapok tree.

(2) "Dealer" means any person purchasing kapok for resale and the term shall include also importers, agents and brokers.

(3) "Manufacturer" means any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries of kapok.* No dealer or manufacturer shall sell, transfer title to or deliver, and no person shall purchase, accept transfers of title to, or deliveries of, any kapok except upon the following categories of order:

(1) Purchase orders placed by the Army or Navy of the United States, the United States Maritime Commission, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose of any of the foregoing.

(2) Purchase orders placed by dealers.

(3) Purchase orders placed by manufacturers for delivery in any calendar month of the minimum amounts necessary (taking into consideration their existing inventories) to enable them to continue until the end of said calendar month to produce products listed in paragraph (d) below.

(4) Purchase orders specifically allocated to manufacturers by the War Production Board on Form WPB 2562.

(d) *Restrictions on the use of kapok for manufacturing purposes.* No manufacturer shall use any kapok in the production of any product except:

(1) Life vests, life jackets and collars, and aircraft life saving cushions to fill defense orders:

(2) Insulation padding for airplanes but only to the extent of 45% of the actual total fiber content of such insulation padding: *Provided, however,* That:

(i) No person shall use any kapok of Java grades for the production of such padding unless and until such person shall be unable to obtain any other kapok for such purposes, and

(ii) The foregoing restrictions may be exceeded only in the manufacture of insulation padding for airplanes to be delivered to or for the account of the Army or Navy of the United States when a higher percentage of kapok or use of a Java grade is specifically required by the specifications of the prime contract involved or its use is hereafter specifically directed in writing by the Army or Navy contracting officer of the prime contract involved.

(3) Articles required to fill other defense orders when authorized by the War Production Board. Applications for such authorization shall be filed on Form WPB 1076.

(e) *Assignment of preference rating.* A preference rating of AA–5 is hereby assigned to all orders for kapok placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied in the manner prescribed by Priorities Regulation No. 3, as amended.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(g) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M–85.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* On or before the 15th day of each calendar month all owners of kapok shall file two copies of Form WPB–642 with the United States Tariff Commission, 7th and E Streets, N. W., Washington, D. C.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12438; Filed, July 31, 1943; 11:35 a. m.]

PART 1243—OFFICERS' UNIFORMS

[Preference Rating Order P–131, as Amended July 31, 1943]

§ 1243.1 *Preference Rating Order P–131*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Officers' uniforms" means only the apparel and accessories below enumerated, manufactured of officer's uniform materials, defined in subparagraph (3) of this paragraph (b), and in accordance with specifications prescribed by the applicable U. S. Army, Navy or other departmental or agency regulations, governing at the time of the application of the preference rating herein, viz:

(i) Ready-to-wear and made-to-individual-measurement overcoats, raincoats, coats, trousers, slacks, skirts, dresses, caps, web-belts, shirts and collars for:

(*a*) Officers of the U. S. Women's Army Corps (WACS);

(*b*) Officer nurses of the U. S. Army;

(*c*) Commissioned and warrant officers of the U. S. Marine Corps, except officers and officer training school students of the U. S. Women's Reserve of the U. S. Marine Corps Reserve;

(*d*) Officers of the U. S. Coast and Geodetic Survey; and

(*e*) Officers and nurses of the U. S. Public Health Service.

(ii) Made-to-individual-measurement overcoats, short overcoats, raincoats, coats, trousers and slacks, made of wool cloths weighing over 13 ounces per yard based on a width of 56 inches, and made-to-individual-measurement and ready-to-wear combinations of coats with matching trousers, made of wool cloths weighing 13 ounces or less per yard based on a width of 56 inches or of cotton, for commissioned and warrant officers of the U. S. Army.

(iii) Made-to-individual-measurement overcoats, raincoats, coats, trousers and skirts for commissioned, warrant, chief petty officers and officer nurses of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

(iv) Ready-to-wear coats and trousers, made of wool cloths weighing 13 ounces or less per yard based on a width of 56 inches or of cotton, for commissioned, warrant and chief petty officers of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officer nurses of the U. S. Navy, officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

NOTE: Following paragraphs (v), (vi), (vii) redesignated July 31, 1943.

(v) Ready-to-wear and made-to-individual-measurement winter working uniform overcoats for the U. S. Naval Aviation commissioned and warrant officers.

(vi) Ready-to-wear and made-to-individual-measurement caps, web belts, shirts and collars for:

(*a*) Commissioned and warrant officers of the U. S. Army, except shirts in khaki shade No. 1 (sun tan) of tropical worsted, 6 ounce and 8.2 ounce cotton cloths; and

(b) Commissioned, warrant and chief petty officers of the U. S. Navy (including aviation), the U. S. Coast Guard, the U. S. Maritime Commission and the War Shipping Administration, except officers of the Women's Naval Reserve (WAVES) and the Coast Guard Women's Reserve (SPARS).

(vii) OD handkerchiefs, and OD underwear for commissioned and warrant officers of the U. S. Army.

(2) "Producer" means any person who manufactured officers' uniforms prior to June 8, 1942.

(3) "Officers' uniform materials" means only those materials (except brass buckles for web belts, metal insignia and synthetic or partly synthetic materials for linings) conforming with the applicable U. S. Army, Navy or other departmental or agency regulations, governing at the time of the application of the preference rating herein. Whenever any such regulation does not specify or fully describe a component of an officer's uniform, the accepted commercial standard for a product most nearly like such officer's uniform shall apply.

(4) "Made - to - individual - measurement" and "ready-to-wear" shall have their usual and customary trade meaning.

(c) *Assignment of preference ratings.* Preference ratings are hereby assigned to a producer in order to obtain deliveries of officer's uniform materials for physical incorporation by him into officers' uniforms, viz:

(1) Preference Rating AA-3 for chinstrap braid, for stripes and corps devices, including shouldermarks, made of U. S. Navy standard or U. S. Navy approved gold lace;

(2) Preference Rating AA-5 for officers' uniform materials other than those listed in subparagraph (1) of this paragraph (c).

(d) *Conditions governing ratings.* (1) The ratings assigned by paragraph (c) of this order shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time, may be revoked or further conditioned as to any person or transaction, and any officer's uniform materials obtained pursuant thereto may be redistributed by the War Production Board, and;

(i) No producer shall apply such preference rating to an order for wool cloths, weighing over 13 ounces per yard based on a width of 56 inches, for officers' uniforms if his inventory, on hand and on order, of such wool cloths for officers' uniforms exceeds or would then exceed 25% of the yardage of such wool cloths for officers' uniforms cut by him for officers' uniforms during the period commencing January 1, 1943 and ending March 31, 1943;

(ii) No cloth jobber shall extend such preference rating or any other preference rating to an order for wool cloths for officers' uniforms if his inventory, on hand and on order, of wool cloths for officers' uniforms exceeds or would then exceed the yardage of wool cloths for officers' uniforms sold or delivered by him during the preceding 90 days.

(2) The preference rating previously assigned by this order and all applications and extensions thereof are hereby revoked as to any synthetic or partly synthetic material for linings.

(e) *Use of seconds or reject material.* No person shall manufacture any officers' uniforms from materials graded as seconds or which have been rejected by any U. S. department or agency, but a made-to-individual-measurement officer's uniform may be cut from the portions of such materials complying with the departmental or agency regulations referred to in paragraph (b) (3) hereof.

(f) *Restrictions on sales of officers' uniforms.* (1) Except in the case of sale or delivery for purposes of resale, no person shall sell or deliver any officer's uniform, produced under this order, to anyone other than an officer or nurse for whom an officer's uniform is provided in paragraph (b) (1) hereof. Upon such sale or delivery the person selling or delivering the same shall make and maintain a record of the name, rank, service, and serial number, if any, of such officer or nurse. The requirement that such record be made, and maintained shall not apply to any army exchange, ship's service department, commissary or other enterprise operated under governmental supervision primarily for the benefit of such officers or nurses.

(2) No person shall sell, deliver or accept delivery of any officer's uniform or officer's uniform materials or use any officer's uniform materials, if he knows or has reason to believe that the same are or are to be sold, delivered or used in violation of this order.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12440; Filed, July 31, 1943; 11:36 a. m.]

PART 1276—PLYWOOD

[Interpretation 1 of Limitation Order L-150, as Amended]

SOFTWOOD PLYWOOD SCHEDULING

The following interpretation is issued with respect to Limitation Order L-150, as amended:

Paragraph (c) (2) of Limitation Order L-150 [§ 1276.1] provides that any order authorized pursuant to its provisions shall be accepted by the producer with whom it is placed, "providing it meets his regularly established prices and terms."

This condition applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12436; Filed, July 31, 1943; 11:35 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-289 as Amended July 31, 1943]

GREETING CARDS AND ILLUSTRATED POST CARDS

Section 3133.20 *Limitation Order L-289* is hereby amended to read as follows:

§ 3133.20 *Limitation Order L-289*—(a) *Limit on amount of paper used for cards.* In the manufacture of greeting cards and illustrated post cards, each publisher shall be limited during any calendar quarter to 60%, by gross weight, of the paper used for that purpose and for "dealer helps" during the same quarter in 1942. A publisher may, however, use an additional 15% during one quarter if he uses that much less during the next quarter. Also, if he uses less than he is allowed for one quarter, he may increase his use in later quarters by that amount.

(b) *Limits on number of designs.* During any calendar quarter, no publisher may print new designs which exceed 60% of the number of new designs which he printed during the same quarter in 1942. Also, during any calendar quarter no publisher may reprint more than 80% of the total number of designs, new or old, which he printed during the same quarter in 1942.

(c) *Limits on boxes.* (1) During any calendar quarter, no publisher may use for the packaging of greeting cards and illustrated post cards more than 50% by gross weight, of the paperboard used for that purpose during the same quarter of 1942. A publisher may, however, use an additional 15% during one quarter if he uses that much less during the next quarter. Also, if he uses less than he is allowed for one quarter, he may increase his use in later quarters by that amount.

(2) In addition, publishers must comply with the provisions of Order L-239 regarding the manufacture of folding and set-up boxes.

(d) *"Dealer helps" prohibited.* No publisher may furnish any "dealer helps" for greeting cards or illustrated post cards, except "dealer helps" which he already had in inventory on May 20, 1943.

This prohibition applies to items such as date books, advertising cards, banners, merchandise bags, window displays, inserts, etc. and to sample cards. However, it does not apply to mounted samples for the display of cards to the public.

(e) *Meaning of terms used in this order.* (1) "Greeting card" means any commercial form of card, sheet or folder which conveys a greeting or similar type of message by means of printed reading matter or pictorial matter. The term includes "chromos", which contain pictures but no words, and also cards which contain words but no pictures. "Illustrated post card" means any form of card, sheet or folder containing pictorial matter and space for the addition of a personal message. The term does not include photographs made without the use of ink.

(2) "Publisher" means the person (including a company or firm) who has the cards printed or packaged, whether in his own plant or someone else's plant, for sale exclusively by him. It does not mean the printer or packager unless he acts for his own account.

(3) The limits in this order on use of paper and paperboard during any calendar quarter apply to the quarter beginning July 1, 1943 and to each calendar quarter after that.

(f) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(2) *Records which must be kept.* In order to assure compliance with this order, every publisher must calculate, as accurately as practicable, for each quarter of 1942 and for each quarter in which this order remains in force, the amount of paper used for printing greeting cards and illustrated post cards, the number of new designs printed, the total number of new and old designs printed, and the amount of paperboard used in boxes for greeting cards and illustrated post cards. He must preserve these figures and his work sheets for inspection by War Production Board officials as long as this order remains in force and for two years after that.

(3) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-289.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12437; Filed, July 31, 1943; 11:35 a. m.]

PART 3281—PULP AND PAPER[1]

[General Conservation Order M-241-a as amended July 31, 1943]

CONSERVATION OF PAPER AND PAPERBOARD

Section 3096.2 *General Conservation Order M-241-a* is hereby amended to read as follows:

§ 3281.64 *General Conservation Order M-241-a*—(a) *Definitions.* For the purpose of this order:

(1) A "converted product" means any article or type of converted paper resulting from the processing of pulp, paper, or paperboard which alters the original form or characteristics of the pulp, paper, or paperboard. The term includes all articles on any of the lists to this order, but shall not include:

(i) Paper or paperboard manufactured in the first instance by a paper or paperboard mill.

(ii) A "newspaper" as defined in General Limitation Order L-240.

(iii) "Wall paper" as defined in General Limitation Order L-177.

(iv) A "box" as defined in General Limitation Order L-239.

(v) A "magazine" as defined in General Limitation Order L-244.

(vi) A "book" as defined in General Limitation Order L-245.

(vii) A "greeting card" as defined in General Limitation Order L-289.

(viii) A "book match" as defined in General Limitation Order L-263.

(ix) A "paper shipping sack" as defined in General Limitation Order L-279.

(x) Fibre shipping containers, cans, drums, tubs and barrels.

(xi) Cups, pails and nested food containers.

(xii) A "display" as defined in General Limitation Order L-294.

(xiii) Grocery, variety and notion bags.

(xiv) Wrapping paper, including wrapping tissue, converted into sheets or into rolls having a diameter of 12" or less.

(2) A "converter" is any person who, regardless of the identity or nature of his business, manufactures or assembles any converted product.

(b) *Unrestricted consumption of pulp, paper and paperboard in the manufacture of certain converted products.* Any converter may consume any quantity of pulp, paper and paperboard in the manufacture and assembly of any converted product shown on List A of this order.

(c) *Restriction on consumption of pulp, paper and paperboard in the manufacture of certain named converted products.*

(1) No converter shall consume in the manufacture or assembly of any converted product on List B, List C or List D of this order any quantity, in tons, of pulp, paper and paperboard greater than the quantity ascertained:

(i) For the two months period from August 1, 1943 to October 1, 1943, by applying two thirds of the percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the third calendar quarter of 1942;

(ii) For the final quarter of 1943, and for each calendar quarter thereafter, by applying the entire percentage figure for each such converted product, as shown in paragraph (c) (2) of this order, to the quantity, in tons, of pulp, paper and paperboard consumed by such person in the manufacture or assembly of such product during the corresponding calendar quarter of 1942.

(2) The following percentage figures shall be used for the calculations described in the preceding paragraph (c) (1):

	Percent
(i) List B products	110
(ii) List C products	100
(iii) List D products	80

(3) From and after August 1, 1943 no converter shall put into process any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product named on List E of this order, except that pulp, paper and paperboard in the converters possession or in transit to the converter on August 1, 1943, expressly acquired for the manufacture of any converted product named on List E of this order, may be put into process provided all manufacturing or assembling operations are completed by October 31, 1943, at which time all production activities in connection with converted products named on List E shall cease.

(d) *Restrictions on consumption of pulp, paper and paperboard in the manufacture of converted products not specifically listed.* (1) No converter shall during the period from August 1, 1943 to October 1, 1943 consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 33⅓ percent of the tonnage consumed in the manufacture or assembly of such converted product during the first six months of 1943.

(2) No converter shall during the final calendar quarter of 1943, or during any calendar quarter thereafter consume in the manufacture or assembly of any converted product not named on List A, List B, List C, List D or List E of this order, any quantity, in tons, of pulp, paper and paperboard greater than 70 percent of the tonnage consumed in the manufacture or assembly of such converted product during the corresponding calendar quarter of 1942.

(3) In the instance of any converted products not named on any of the lists

[1] Formerly Part 3096, § 3096.2.

of this order, the following processes and operations shall not be considered as processing:

(i) Cutting or trimming to a different size, when such cutting or trimming is performed as part of any established finishing room procedure and provided the paper or paperboard so processed is not intended for a use which serves to defeat the purpose of this order. (Example: The cutting of plain paper to a given size for use as a tray cover, the manufacture of which is curtailed by this order).

(ii) Punching or corner cutting.

(iii) Packaging if such is the only form changing operation.

(iv) Super-calendering.

(v) Laminating.

(vi) Coating, friction calendering, flint glazing, plating and embossing.

(vii) Collating and binding.

(viii) Printing, when such contributes to the functional value of the product to such a degree that the product would be incapable of performing the use intended if not printed. (Examples: advertising streamers, posters, menus, programs, timetables, sheet music, patterns, decalcomania transfers, checks).

(e) *Alternate method of calculating quotas.* As an alternate method of calculating quarterly quotas for any converted product, any person may, after the filing of a notice in writing with the War Production Board, elect to apply the percentages established by paragraphs (c) and (d) (2) of this order to one fourth of his total yearly consumption of pulp, paper and paperboard in such product during 1942. When such election has been made and the required notice in writing has been given to the War Production Board, the method of determining quotas may not thereafter be changed.

(f) *Converter's responsibility in determining coverage of this order.* It shall be the duty of each converter to determine in the first instance which of his products are included among the converted products referred to in this order. In case of doubt he may apply to the War Production Board in writing describing the product in question, for a specific ruling determining whether or not the same is so included. The War Production Board may of its own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(g) *Inventory restrictions.* No person shall knowingly deliver to any converter, and no converter shall accept delivery of, any quantity of pulp, paper or paperboard for the manufacture or assembly of any converted product included in this order if the inventory in the hands of the converter intended for such converted product, is, or will by virtue of such acceptance become, either in excess of two car loads or if in excess of two car loads greater than 45 days' supply, on the basis of either the converter's average rate of consumption for such converted product for the preceding quarter or his average rate of consumption for such converted product as projected for the then current quarter.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington 25, D. C. Ref: M-241-a.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—UNRESTRICTED PRODUCTION

Abrasive papers
Adding machine and business machine rolls
Air force emergency packs
Army ration containers
Automotive oil cartridges
Balloons (direct military only)
Binder twines
Blankets
Blueprints and direct line papers
Bomb fins
Bomb rings
Bombs
Building and wall boards
Cable insulation
Calender rolls (for paper and other finishing machinery)
Camouflage paper
Caps for glass bottles and jars
Carbon paper
Case, carton, roll and bundle strapping
Charts, rolls and tape for communication and recording instruments and machines
Cigarette paper books
Clock backs and cases
Clothing
Condensers—component parts thereof
Control knobs and dials
Cores and core plugs
Crepe cellulose wadding
Dental mouth wadding
Diaper linings
Diaphragms—pump and carburetor
Dust and dirt covers and seals for motors, journals, etc.
Dust masks
Egg case fillers and flats
Embalming, surgical and obstetrical sheets
Faces for gauges, clocks and weighing equipment.
Fibre conduit and fittings
Filters
Flare spacers
Friction pulleys and wheels
Fuses and component parts thereof
Garbage and utility cans
Gas detection armbands and similar products
Gas mask canisters and mask parts
Gas protection capes, tarpaulins & similar products
Gaskets
Gears
Grenades and grenade containers
Gummed sealing and corrugated tape
Gummed stay tape
Gun & rifle protection sleeves
Helmets and helmet accessories
Hospital wadding
Instrument panels
Impervious papers, including waxed, for direct war use but limited to those grades covered by specifications issued by the U. S. Army, the U. S. Navy, the U. S. Marine Corps, or the Federal Standard Stock Catalog.
Jettison tanks
Lens tissue
Lithomat and photomat paper
Milk bottles, milk bottle hoods and milk bottle caps
Mimeograph stencils
Nuts and screws
Paper base plastics
Parachutes and parachute spreaders
Photographic and photo copying papers
Plant protectors
Poultry incubators, brooders and feeders
Prepared tracing
Printing plates
Ration bags
Roofing and building papers (treated)
Sanitary napkins
Shell containers
Shoes and component parts thereof
Surgical bandages
Surgical masks and caps
Tabulating cards
Tags, commercial and industrial only, unprinted
Targets
Telephones, component parts of
Toilet seat covers
Tote boxes
Valves
Vegetable parchment
Veneer tape
V-mail blanks
Waterproof and moistureproof packaging papers (asphalt and resin impregnated and laminated)
Wrapping paper converted into sheets or into rolls having a diameter of 12" or less but limited to vegetable parchment, glassine, greaseproof, butcher's papers, envelope stock, cup stock and wax or similar treated papers but not including household rolls.

LIST B—PRODUCTS PERMITTED AT 110% OF 1942

Artificial leather
Buttons
Concrete forms
Envelopes—all styles except expansion type
Fillers, looseleaf (except accounting)
Household waxed paper, all styles
Insulation board
Jacquard cards
Masking tape
Optical measuring instruments
Paper stationery and papeteries
Sales tax tokens
Shingles
Tablets, pads, and notebooks
Textile cones, tubes and spools
Toilet tissue, other than facial type of two ply or more
Waxed paper, all types and grades other than household packages, excluding waxed paper wrappings for direct war uses as provided in List A.

LIST C—PRODUCTS PERMITTED AT 100% OF 1942

Cake boards
Cases for flashlights and batteries and component parts thereof
Collar supports and circles
Dental pinafores
Dishes and plates
Facial tissue
File dividers and indexes
File cabinets
Forks and spoons
Fruit and vegetable wrappers for apples, pears, peaches and tomatoes in the instance of original shipments
Gummed flat paper

Hat and cap visors
Headrest rolls
Light shades and reflectors
Lunch boxes
Napkins
Oiled stencil board
Permanent wave pads
Photo mailers
Photo mounts
Shirt bands, limited to 2" wide or less
Stereotype mats
Straws (soda and drinking)
Towels
Twisted products limited to rope, open mesh bags and twine, other than binders twine
Tympan paper
Window shades

LIST D—PRODUCTS PERMITTED AT 80% OF 1942

Adhesive transparent tape
Architect filing tubes
Barbers neck bands
Bibs
Cake circles
Carpets and rugs
Chair seats
Cloth lined paper products
Expanding envelopes or pockets
File fasteners
Fly paper
Fly ribbons
Folders (file)
Games and toys of all types
Garment hangers
Luggage
Mailing tubes
Music and player piano rolls
Phonograph record albums
Platters
Ribbon blocks and cores
Ribbons
Seat covers
Slippers
Snap, button, hook and eye and zipper cards
Soap wraps, including all component parts thereof except wax paper
Tea ball bags and similar containers
Textile boards, excluding shirt boards
Toilet tissue, facial type of two or more ply
Twisted products, other than bags, rope, strapping, and twine
Venetian blinds
Vertical file pockets.

LIST E—ARTICLES AND CLASSES OF ARTICLES IN THE MANUFACTURE OF WHICH PULP, PAPER OR PAPERBOARD MAY NOT BE USED

Aprons
Ash trays
Bakers' decorative specialties, such as:
(a) Pie collars and rings
(b) Cake circles
(c) Cake laces
(d) Casserole collars
Bird cage specialties, such as:
(a) Bird cage bottoms
(b) Bird cage covers and hoods
(c) Bird cage food holders
Bouquet holders for displays, corsages, etc.
Chop holders
Collar and necktie bags and envelopes
Combs
Dusters and dusting paper
Finger bowl liners
Handkerchief and hosiery bands
Handkerchief, hosiery and utility cases
Hanger protectors
Novelties—holiday, party, advertising and decoration, such as:
(a) Garlands
(b) Serpentines
(c) Horns
(d) Hats
(e) Table decorations and place cards
(f) Streamers, including those for window display and decoration
(g) Flower pot covers
(h) Costumes
(i) Artificial flowers and flower specialties
(j) Confetti
(k) Festoons
Novelties—Continued.
(l) Fireworks (except such items manufactured pursuant to duly authenticated orders from the Armed Forces)
(m) Bouquets
(n) Skewers
Punch boards, pullboards and similar articles
Shirt protectors and envelopes
Shirt bands (wider than 2")
Shirt boards
Shirt displayers
Window drapes

[F. R. Doc. 43-12439; Filed, July 31, 1943; 11:36 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-386]

NATIONAL MANUFACTURE AND STORES, CORP.

The National Manufacture and Stores Corporation, a corporation with its main office in Atlanta, Georgia, is engaged in the retail furniture business, and owns and operates a number of branch offices or stores under various trade names, in different localities. Subsequent to September 1, 1942 the corporation, through four of its said branch offices or stores, namely, Lawrence Furniture Company of Memphis, Tennessee, Myers-Dickson Furniture Company of Atlanta, Georgia, Chatham Furniture Stores of Savannah, Georgia and Lawrence Furniture Company of Atlanta, Georgia, sold and delivered new metal heating equipment, consisting of more than 50 percent metal by weight, although the orders therefor bore no preference ratings, and had no certificates endorsed thereon, as required by Limitation Order L-79. At the time of the aforesaid transactions the corporation through its officers and employees in its home office, and also through the respective managers of these four stores, had knowledge of the existence of said Limitation Order L-79, and its amendments. The company's actions, as above described, constituted wilful violations of Limitation Order L-79.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.386 *Suspension Order S-386.* (a) The four stores or branches of National Manufacture and Stores Corporation, described below, their successors and assigns, are hereby prohibited from buying, receiving, selling, delivering or otherwise dealing in new metal heating equipment, complete or in the form of parts, as defined in Limitation Order L-79, unless hereafter specifically authorized in writing by the War Production Board.

Lawrence Furniture Company, Memphis, Tennessee.

Myers-Dickson Furniture Company, Atlanta, Georgia.

Chatham Furniture Stores, Savannah, Georgia.

Lawrence Furniture Company, Atlanta, Georgia.

(b) Nothing contained in this order shall be deemed to relieve National Manufacture and Stores Corporation, operating Lawrence Furniture Company in Memphis, Tennessee, Myers-Dickson Furniture Company in Atlanta, Georgia, Chatham Furniture Stores in Savannah, Georgia, Lawrence Furniture Company in Atlanta, Georgia, or the aforesaid branches or stores respectively, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 1, 1943 and shall expire on October 31, 1943.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12473; Filed, July 31, 1943; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-301]

B. SIMON HARDWARE CO.

B. Simon Hardware Company, Oakland, California, has appealed from the provisions of Suspension Order S-301, issued May 26, 1943. Pending the determination of the appeal the Chief Compliance Commissioner directed the entry of an order staying the execution of Suspension Order S-301 pending the final determination of the appeal. This order was issued on June 2, 1943. After a review of the case the Chief Compliance Commissioner has determined that the appeal be denied but that Suspension Order S-301 be modified. The Chief Compliance Commissioner has further directed that the stay of execution of Suspension Order S-301, issued June 2, 1943, shall be of no force or effect after July 31, 1943.

In view of the foregoing, *It is hereby ordered*, That the stay of execution of the provisions of Suspension Order S-301, issued June 2, 1943, shall be of no force or effect after July 31, 1943, and that paragraphs (a), (b) and (c) of Section 1010.301 Suspension Order S-301, issued May 26, 1943, be hereby amended to read as follows:

(a) B. Simon Hardware Company, its successors and assigns, shall not receive or accept delivery of wood-working hand service tools, metal-working hand service tools, precision tools, cutting tools for metal, electric tools and mechanics tool boxes and tool cases in excess of a cost to B. Simon Hardware Company of $15,000 per month.

(b) B. Simon Hardware Company, its successors and assigns, shall not sell, deliver or otherwise dispose of wood-working hand service tools, metal-working hand service tools, precision tools, cutting tools for metal, electric tools and mechanics tool boxes and tool cases in excess of receipts by B. Simon Hardware Company of $15,000 per month, except as specifically authorized by the Regional Director of the San Francisco Regional Office of the War Production Board. The Regional Director of the San Francisco Regional Office of the War Produc-

tion Board is hereby delegated authority to authorize the sale and delivery of such hand tools and precision instruments in such manner and upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

(c) This order shall take effect on August 1, 1943 and shall expire on January 31, 1944, at which time the restrictions contained in this order shall be of no further effect.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12497; Filed, August 2, 1943; 10:59 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-383]

LOUIS H. WEINER OF NEW HAVEN, INC.

Louis H. Weiner of New Haven, Inc., is engaged in the automotive supply business in New Haven, Connecticut. On February 25, 1943, it received from a customer an order for six gross of flashlight batteries, carrying a preference rating of AA-2x. On the following day, in violation of Priorities Regulation No. 3, it extended the same rating on purchase orders for over sixty-one gross of flashlight batteries, certifying at the time that the extensions were in accordance with Priorities Regulation No. 3 with which it was familiar. These improper extensions of a preference rating were wilful.

This conduct of Louis H. Weiner of New Haven, Inc., has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.383 *Suspension Order No. S-383.* (a) Louis H. Weiner of New Haven, Inc., its officers, agents, successors or assigns, shall not apply or extend any preference ratings whatsoever, and shall not receive any deliveries on preference rated orders during the term of this order.

(b) Nothing contained in this order shall be deemed to relieve Louis H. Weiner of New Haven, Inc., its officers, agents, successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 1, 1943, and shall expire on November 1, 1943.

Issued this 29th day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-1249; Filed, August 2, 1943; 10:59 a. m.]

PART 3036—COMMERCIAL COOKING AND FOOD AND PLATE WARMING EQUIPMENT

[Limitation Order L-182, as Amended August 2, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the production of commercial cooking and food and plate warming equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3036.1 *General Limitation Order L-182*—(a) *Definitions.* For the purposes of this order:

(1) "Commercial cooking and food and plate warming equipment" means:

(i) Equipment (except equipment specially designed to use electricity as the heating agent) designed for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale on the premises in which the equipment is located. It includes, but is not limited to, such items as bakers, broilers, fryers, griddles, grills, hot plates, ovens (except built-in types), ranges, roasters, steamers, toasters, urns and warmers, but does not include cooking appliances for household use.

(ii) Steam-jacketed kettles, regardless of any use to which they may be put, which are designed to use steam at working pressures of less than 90 pounds per square inch.

(2) "Ultimate consumer" means any person who uses commercial cooking and food and plate warming equipment for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale.

(3) "New commercial cooking and food and plate warming equipment" means any commercial cooking and food and plate warming equipment that has never been used by an ultimate consumer.

(4) "Used commercial cooking and food and plate warming equipment" means any commercial cooking and food and plate warming equipment that has been used by an ultimate consumer.

(b) *Restrictions on manufacture.* (1) From and after October 1, 1942, no manufacturer of commercial cooking and food and plate warming equipment shall put into process in the manufacture of such equipment, including finished units and parts thereof, during any calendar quarter, any iron and steel in excess of 6¼% of the iron and steel put into process in the manufacture of finished units of such equipment by him during the calendar year, 1941, *except* that in addition to the quotas set forth in this paragraph, any manufacturer may put any iron or steel into the process of manufacture of any such equipment for delivery to or for the account of the Army, Navy, the Maritime Commission, the War Shipping Administration of the United States or the Defense Plant Corporation.

(2) No iron or steel may be used in the manufacture of any equipment listed on Schedule I, except in the manufacture of repair and replacement parts thereof as limited in paragraph (b) (1).

(c) *Restrictions on delivery.* Regardless of the terms of any contract, sale, other commitment or any preference rating, no person shall make or accept physical delivery of any new or used commercial cooking and food and plate warming equipment, except that:

(1) Any person may make or accept physical delivery of any such equipment on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, the War Shipping Administration of the United States, or the Defense Plant Corporation.

(2) Any person may make or accept physical delivery of any such equipment pursuant to specific authorization of the War Production Board on Form WPB-1529 (formerly PD-638A). Applications under this order and Order L-248 may be made on a single Form WPB-1529 (Formerly PD-638A).

(3) Any manufacturer may make physical delivery of any such equipment to any dealer or distributor of such equipment, or to any ultimate consumer, from whom he has received a written order or contract which bears a certification substantially as follows, signed by an authorized official, either manually or as provided in Priorities Regulation No. 7; and any such dealer, distributor or ultimate consumer may accept such delivery:

I certify that I have received specific authority from the War Production Board to accept delivery of the equipment listed hereon; that I have knowledge of and am in compliance with Limitation Orders L-182 and/or L-248; and, further, that authorization was received by me on the following Form(s) WPB-1529 (formerly PD-638A):

(List number or numbers)

Firm name

Signature and title of officer

Such certification shall constitute a representation to the War Production Board, as well as to the manufacturer, of the facts certified therein.

No manufacturer shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall falsely furnish the certification specified above.

Any manufacturer may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue.

(4) Any ultimate consumer may make physical delivery of any such equipment to any manufacturer, dealer or distributor of such equipment, and such manufacturer, dealer, or distributor may accept such delivery; and

(5) Any such equipment actually in transit on September 30, 1942, may be delivered to its immediate destination.

(d) *Delivery of repair and replacement parts.* Nothing in this order shall prevent the delivery of repair or replacement parts for commercial cooking and food and plate warming equipment.

(e) *Reports.* Every manufacturer, dealer and distributor of any commercial cooking and food and plate warming equipment shall execute and file with the War Production Board on or before the tenth day of each calendar quarter a

report on Form WPB–1509 (formerly PD–638), which may be obtained from the nearest field office of the War Production Board. Reports under this order and Order L–248 may be made on a single Form WPB–1509 (formerly PD–638).

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Applicability of other orders.* Insofar as any other order issued, or to be issued after September 30, 1942, limits the production or delivery of commercial cooking and food and plate warming equipment to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein. After September 30, 1942, General Limitation Orders No. L–79 and No. L–83 shall not apply to commercial cooking and food and plate warming equipment.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal by letter to the War Production Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L–182.

(j) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing and using materials under priority control and may be deprived of priorities assistance.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE 1

Barbecue machines.
Chicken singers.
Chop suey ranges (ranges with built-in kettles—water and sewer connections).
Cruller fryers.
Cup warmers.
Dish warmers.
Egg boilers.
Nut blancher ovens.
Nut fryers.
Nut roasters.
Oyster stoves.
Peanut roasters.
Plate warmers.
Potato chip fryers.
Roll warmers.
Rotisseries (revolving spit barbecue machine).
Sausage warmers.
Waffle irons.
Warming ovens.

INTERPRETATION 1

Paragraph (c) (1) of General Limitation Order L–182 (Commercial Cooking and Food and Plate Warming Equipment) reads as follows:

(1) Any person may make or accept physical delivery of any such equipment on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, the War Shipping Administration of the United States, or the Defense Plant Corporation;

Question has been raised as to whether purchase by the Army Pre-Flight Training Schools is within the exception stated in this subparagraph or whether such schools desiring to purchase this equipment must apply on Form WPB–1529 (formerly PD–638A) for authorization.

The exception referred to applies only to specific contracts or subcontracts for deliveries to or for the account of the agencies named. It does not include equipment which will be owned by the training schools and not by the Army, even though it is intended that the equipment will for the present be used solely for the benefit of the personnel assigned to the school. Such a delivery is not made on a specific contract or subcontract for delivery to or for the account of the Army within the meaning of the provision quoted above. Accordingly, any training school desiring to purchase this equipment under these circumstances must apply on Form WPB–1529 (formerly PD–638A) for authorization. (Issued May 8, 1943.)

[F. R. Doc. 43–12498; Filed, August 2, 1943; 10:59 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 23 to CMP Reg. 1]

ACCEPTANCE OF ORDERS FOR ALUMINUM BY ALUMINUM PRODUCERS AND THE EFFECT OF DELAYS IN PRODUCTION

The following direction issued pursuant to CMP Regulation No. 1 (§ 3175.1) applies to all orders placed with producers of aluminum calling for delivery of aluminum in the form of controlled material, except ingot. Deliveries of ingot are controlled by a directive issued to producers and smelters May 31, 1943.

(a) The term "aluminum product" as used in this direction means aluminum and aluminum alloy products in the form of controlled material as described in Schedule 1 of CMP Regulation No. 1 except ingot. The term "order" as used in this direction means not only an authorized controlled material order but also an order covered by an AM authorization number.

(b) Each producer must refuse any order for delivery of any aluminum product unless he expects to be able to make delivery in the calendar month specified in the order.

(c) Each producer must refuse any order for any aluminum product covered by his production directive when his total orders for such product scheduled for delivery in that month equal 110% of the amount of such product he is authorized to produce by his production directive; and he must refuse any order for any aluminum product not covered by his production directive when his total orders for the product scheduled for delivery in that month equal 105% of his expected production for that month. In determining whether or not an order may be accepted for delivery, the producer must include in the 110% or 105% all orders already accepted by him (i) which either call for delivery in the same calendar month as the delivery month specified on the order under consideration, or (ii) which call for delivery in any earlier month and which he anticipates he will not be able to fill before the beginning of the delivery month specified.

(d) If, after accepting an order for any aluminum product, a producer finds that he cannot make delivery during the calendar month in which delivery is requested but that he will be able to make such delivery during any subsequent month up to and including the first month of the quarter following the quarter in which delivery was requested, he may fill the order at any such time without reporting to the War Production Board or requiring any other allotment number, even though the month in which delivery is actually made under this paragraph falls in another quarter .

(e) If, after accepting an order for aluminum products, a producer finds that he cannot make delivery before the end of the month following the quarter in which delivery is requested, he must, by the last day of the quarter for which the order was accepted (or by August 15, 1943, in the case of second quarter orders not shipped by July 31, 1943), notify the Aluminum and Magnesium Division in writing, stating the allotment number, the name of the customer, the material covered by the order and when he can schedule the order for delivery. He may fill an order for aluminum products after the first month of the quarter following the quarter following the quarter in which delivery was requested on the basis of the allotment number originally extended, irrespective of the quarter for which the allotment number or symbol was issued.

(f) If a producer finds that he cannot make delivery of any aluminum product during the calendar month in which delivery is requested, the order must, nevertheless, be given a position on his production schedule and be filled ahead of all orders requesting delivery in any month after the quested delivery month shown on the order, unless otherwise directed by the War Production Board or the customer. In addition, the producer must notify his customer as soon as he reschedules the order, stating the approximate date when the producer expects to make delivery.

(g) The provisions of paragraphs (d), (e) and (f) hereof supersede the provisions of paragraph (t) (5) of CMP Regulation No. 1.

(h) Nothing in this direction affects the right of a customer to cancel his order for failure to deliver on time.

Issued this 31st day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12499; Filed, August 2, 1943; 10:59 a. m.]

PART 3270—CONTAINERS

[Conservation Order M–261 as Amended August 2, 1943]

STRAPPING FOR SHIPPING CONTAINERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of strapping for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Definitions

§ 3270.9 *Conservation Order M–261*—(a) *Definition.* "Strapping" means any iron, steel or other metal wire or band reinforcements or closures, twelve (12) inches or more in length, for shipping containers excepting: metal for barrel hoops, reinforcement edging on returnable delivery cases, stitching, bal-

ing of compressed material, fastening of material or filled containers into bundles, or for fastening or blocking of material to skids or in vehicles or vessels.

Restriction

(b) *Restriction on use of strapping.* No person shall use commercially any strapping on shipping containers unless:

(1) The weight of the container and contents exceeds ninety pounds, or

(2) The net weight of the contents of the container exceeds .058 pounds per cubic inch, or

(3) Use of the strapping is required by regulation or order of the Interstate Commerce Commission, or

(4) The container for which the strapping is used, and its contents, are to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration, and the strapping is required by such agency, or

(5) The shipment is for delivery outside of both the United States and Canada, or

(6) The strapping is for any of the following containers, provided the strapping is essential to the safe delivery of the contents and has been customarily used for the same type of shipment and container:

(i) Wooden or fibre containers containing fruits, vegetables, meats, fish, or poultry.

(ii) Wooden containers containing plumbing supplies or fixtures, made of vitreous china.

(7) The strapping is for wooden lard or butter tubs, and wooden buckets or pails, or

(8) Use of strapping by railroad companies or truckers is required by them to reinforce containers damaged in transit, or

(9) The strapping is for closing fibre drums or hexagonal or octagonal fibre containers.

Miscellaneous Provisions

(c) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for appeal.

(e) *Records.* All persons affected by this order shall keep for at least two years records concerning inventory, production, purchases and sales, and shall make reports on same if required.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington 25, D. C., Ref.: M–261.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12500; Filed, August 2, 1943; 11:00 a. m.]

PART 3270—CONTAINERS[1]

[Conservation Order M–313 as amended August 2, 1943]

FIBRE DRUMS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of fibre drums for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3270.3[1] *Conservation Order M–313*—(a) *Definitions.* For the purposes of this order:

Definitions

(1) "Manufacturer" means any person who manufactures fibre drums for sale or for his own use.

(2) "Fibre drums" means any cylindrical shipping container which (i) is of the types known in the container industry as "fibre drums" and "fibre pails," (ii) is made with a body of paperboard and ends of paperboard, steel (28 gauge or heavier), wood, or any combination thereof, (iii) has a capacity of one gallon or more, and (iv) is of the types which, upon conforming with any applicable Consolidated Freight Classification rule[2] and Interstate Commerce Commission regulation,[3] are acceptable for shipment without covering containers. This does not include cylindrical containers, of similar construction, known in the container industry as "cans" and "tubes."

(3) "Qualified order" means any purchase order for fibre drums which specifies the following information as to each type and size of drum ordered: (i) the specific products to be packed in such drums, (ii) the number of drums desired for each such product, and (iii) the desired receiving date or dates for such drums.

Restrictions

(b) *Restrictions on manufacturers*—(1) *Shipping restriction.* Notwithstanding any preference rating received, no manufacturer shall ship fibre drums to any purchaser except as specifically authorized on Form WPB–2700 (PD–881) or Form GA–255.

(2) *Use restriction.* On and after September 1, 1943, no manufacturer shall use any fibre drums, manufactured by him, for packing any product, except as specifically authorized by the War Production Board on Form WPB–2700 (PD–881) or Form GA–255.

(3) *Reporting requirements.* On or before the 3rd day of August 1943, and of each second month thereafter (October–December, etc.), every manufacturer shall forward a report on Form WPB–2700 (PD–881) for the next succeeding 2-month period (September–October, November–December, etc.). Except in the case of any manufacturer who manufactures fibre drums for his own use, the report shall include, among other required data, a listing of "qualified orders" which were on hand at the end of the preceding month and which require shipment during the period being reported. Any manufacturer who manufactures fibre drums for his own use shall complete only the portions of Form WPB–2700 (PD–881) designated thereon as being applicable to him.[4]

(c) *Restrictions on purchasers*—(1) *Acceptance restriction.* No purchaser shall accept delivery of any fibre drum shipped on or after June 16, 1943, if he has reason to believe that the shipping of such drum was not authorized pursuant to paragraph (b) (1) above.

(2) *Inventory limitation.* No person shall order any quantity of any type of fibre drum for delivery to him or for his account on any date if receipt thereof on that date would increase his estimated inventory of that type of drum to more than his requirements therefor for the 60-day period commencing on that date.

Miscellaneous Provisions

(d) *Applicability of other regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as same may be amended from time to time.

(e) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: M–313.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 2d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–12501; Filed, Aug. 2, 1943; 11:00 a. m.]

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[1] Formerly Part 3243, § 3243.1.

[2] Consolidated Freight Classification No. 15, General Rule 41.

[3] Freight Tariff No. 4 (I. C. C. No. 4) Specifications 21A, 21B.

[4] This reporting requirement approved by the Bureau of the Budget pursuant to Federal Reports Act of 1942.

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 119[1], Amdt. 5]

ORIGINAL EQUIPMENT TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1451 (i) is amended by substituting in that paragraph the phrase "November 1, 1943" for "August 1, 1943".

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12382; Filed, July 30, 1943; 4:39 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 415,[2] Amdt. 2]

CERTAIN FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1 (a) is amended by substituting in that paragraph the phrase "November 1, 1943" for "August 1, 1943".

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12381; Filed, July 30, 1943; 4:39 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 306,[3] Amdt. 11]

MISCELLANEOUS FRUITS

A statement of the considerations involved in the issuance of Amendment No. 11 to Maximum Price Regulation No. 306 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.551 (m) is added to read as follows:

(m) "Packed berries" includes any specified berry or mixture of berries and the juice or any mixture of juices of specified berries, when processed and enclosed in containers whether or not hermetically sealed.

2. Section 1341.553 (a) (2) and (3) are added as follows:

Item	Section	Appendix
(2) Miscellaneous fruits	1341.583	A
(3) Cherries, red sour	1341.583	A

3. Section 1341.553 (c) is added to read as follows:

(c) The packed berries covered by this regulation are listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

Item	Section	Appendix
(1) Miscellaneous berries	1341.587	E

4. Section 1341.583 (b) and (c) are added to read as follows:

(b) *Miscellaneous fruits.* (1) The miscellaneous canned fruits covered in paragraph (b) are listed below and include the canned juices and nectars of such fruits.

Apricots.
Cherries (except red sour).
Figs.
Fruit cocktail.
Peaches, clingstone and freestone.
Pears.
Plums.
Prunes, fresh.

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in paragraph (1), except freestone peaches, shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower for the same raw fruit in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided,* That in no event shall the amount of the 1943 raw fruit cost be in excess of the amount shown in the table below in accordance with the state in which the processor's factory is located:

Raw fruit	State	Maximum cost
Apricots	All states	1942 cost per ton as required to be computed under MPR 185 plus $31 per ton.
Cherries (except red sour)	All states	1942 cost per pound as required to be computed under MPR 185 plus $.02 per pound.
Figs	All states	1942 cost per ton as required to be computed under MPR 185 plus $15 per ton.
Fruit cocktail	All states	Amounts indicated herein for component fruits, and where no amount is indicated for any particular component fruit, the 1942 cost for such component as required to be computed under MPR 185.
Peaches, clingstone	All states	$60 per ton.
Pears	California	$65 per ton.
	Oregon and Washington	$75 per ton.
	All other states	1942 cost per ton as required to be computed under MPR 185 plus $8 per ton.
Plums	All states	$55 per ton.
Prunes, fresh	All states	$40 per ton.

(3) The processor's maximum prices per dozen containers, f. o. b. factory, for sales of canned freestone peaches to government procurement agencies shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the item as follows:

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower for the raw fruit in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided,* That in no event shall the amount of the 1943 raw fruit cost be in excess of $50 per ton in California; $60 per ton in Oregon and Washington; and the 1942 cost per ton as required to be computed under Maximum Price Regulation No. 185, plus $10 per ton, in all other states.

(iii) Multiply the figure so obtained by .96 The resulting figure shall be the processor's maximum price per dozen containers, f. o. b. factory, for sales of freestone peaches to government procurement agencies.

(4) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in paragraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(i) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3509, 8936, 8948, 8 F.R. 3941, 7280, 8751.

[2] 8 F.R. 8923.

[3] 8 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 4840, 6617.

same variety, style, grade and container of the 1943 pack of the same item.

(5) Where the processor did not pack the same variety, style, grade, and container of any particular item listed in paragraph (1), in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(6) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(ii) A full description of the item which is the subject of the application, and an itemized statement of his cost therefor.

(iii) A description of the most similar variety, style, grade and container of the item; and itemized statement of his cost therefor; and his maximum price for such similar item. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales.

(7) The processor's maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies of the items listed in paragraph (1), except freestone peaches, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraphs (2), (4) and (5).

(c) *Red sour cherries.* (1) The maximum prices, f. o. b. factory, shall be as follows:

Col. 1	Col. 2	Col. 3	Col. 4				Col. 5				Col. 6			
			Region I				Region II				Region III			
Item No.	Grade	Syrup content	Sales to Government procurement agencies		Other sales		Sales to Government procurement agencies		Other sales		Sales to Government procurement agencies		Other sales	
			No. 2	No. 10	No. 2	No. 10	No. 2	No. 10	No. 2	No. 10	No. 2	No. 10	No. 2	No. 10
1	A–Fancy	Extra Heavy	2.45	12.25	2.55	12.75	2.40	12.00	2.50	12.50	2.50	12.50	2.60	13.00
2		Heavy	2.40	12.00	2.50	12.50	2.35	11.75	2.45	12.25	2.45	12.25	2.55	12.75
3		Light	2.35	11.75	2.45	12.25	2.30	11.50	2.40	12.00	2.40	12.00	2.50	12.50
4		Water	2.30	11.50	2.40	12.00	2.25	11.25	2.35	11.75	2.35	11.75	2.45	12.25
5	C–Standard	Extra Heavy	2.25	11.25	2.35	11.75	2.20	11.00	2.30	11.50	2.30	11.50	2.40	12.00
6		Heavy	2.20	11.00	2.30	11.50	2.15	10.75	2.25	11.25	2.25	11.25	2.35	11.75
7		Light	2.15	10.75	2.25	11.25	2.10	10.50	2.20	11.00	2.20	11.00	2.30	11.50
8		Water	2.10	10.50	2.20	11.00	2.05	10.25	2.15	10.75	2.15	10.75	2.25	11.25

(2) The regions set forth in paragraph (c) (1) of this section shall be as follows:

Region I: New York and Pennsylvania.
Region II: Illinois, Michigan, Ohio and Wisconsin.
Region III: Colorado, Idaho, Montana, Oregon, Utah and Washington.

(3) The syrup contents set forth in paragraph (c) (1) of this section are defined as follows:

(i) Extra heavy, or syrup having a cut-out density of 28° or more Brix.

(ii) Heavy, or syrup having a cut-out density from 22° Brix to less than 28° Brix.

(iii) Light, or syrup having a cut-out density from 18° Brix to less than 22° Brix.

(iv) Water, or fluid having a cut-out density of less than 18° Brix.

(4) The maximum price for any grade and syrup content in No. 303 cans shall be 85% of the maximum price for the same grade and syrup content packed in No. 2 cans.

(5) The maximum price for any grade below standard shall be: In No. 2 cans, ten cents per dozen, in No. 303 cans, eight and one-half cents per dozen, and in No. 10 cans fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

5. Section 1341.587, Appendix E, is added to read as follows:

§ 1341.587 *Appendix E: Maximum prices for packed berries*—(a) *Miscellaneous berries.* (1) The miscellaneous canned berries covered in paragraph (a) are listed below and include the canned juices of such berries.

Blackberries.
Blueberries.
Boysenberries.
Cranberries.
Gooseberries.
Huckleberries.
Loganberries.
Raspberries, black and red.
Strawberries.
Youngberries.

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in subparagraph (1) shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

(i) Deduct the total 1942 raw berry cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw berry cost per dozen containers obtained by dividing the weighted average of the prices per pound or other unit, paid or contracted to be paid by the processor to the grower for the same raw berries in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per pound or other unit required to be used in computing the 1942 maximum price: *Provided,* That in no event shall the amount of the 1943 raw berry cost be in excess of the amount shown in the table below:

Raw berry	*Maximum cost*
Blueberries, cranberries	1942 cost per pound as required to be computed under MPR 185 plus $.03 per pound.
Huckleberries and strawberries	

Raw berry	*Maximum cost*
Blackberries	$.12 per pound.
Boysenberries	$.12 per pound.
Gooseberries	$.08 per pound.
Loganberries	$.12 per pound.
Raspberries, black	$.13 per pound.
Raspberries, red	$.15 per pound.
Youngberries	$.12 per pound.

(3) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in subparagraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(i) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(4) Where the processor did not pack the same variety, style, grade and container of any particular item listed in subparagraph (1), in 1942, the maximum prices of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(5) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation; he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(ii) A full description of the item which is the subject of the application, and an itemized statement of the cost therefor.

(iii) A description of the most similar variety, style, grade and container of the same item; an itemized statement of his cost therefor; and his maximum price for such similar item. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales.

(6) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (2), (3) and (4).

6. Section 1341.586 (b) (3) is added to read as follows:

(3) *Red sour cherries.*

State	Grade	Multiply maximum price by
Colorado, Illinois, Michigan, New York, Ohio, Oregon, Utah, Washington and Wisconsin	All	1.035

7. Section 1341.586 (c) (3) and (4) are added to read as follows:

(3) *Peaches, clingstone.*

State	Grade	Multiply maximum price by
California	All	1.03

(4) *Peaches, freestone, and pears.*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington and Wisconsin	All	1.035

8. Section 1341.586 (d) (2) and (3) are added to read as follows:

(2) *Apricots, cherries (except red sour), figs, fruit cocktail, plums and fresh prunes.*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington, and Wisconsin	All	[1] 1.035

[1] Except for apricots multiply by 1.045.

(3) *All miscellaneous berries set forth in § 1341.587 (a) (1).*

State	Grade	Multiply maximum price by
California, Colorado, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, Utah, Washington and Wisconsin	All	1.035

9. Section 1341.582 is added to read as follows:

§ 1341.582. *Notification of change in maximum price.* With the first delivery after August 4, 1943 of any item covered by this regulation, in any case where a maximum price, once established pursuant thereto, is thereafter changed by amendment to the regulation or pursuant to the provisions of §1341.586, Appendix D, the processor making such change, and distributors other than wholesalers or retailers making a corresponding change in their maximum prices, shall supply each wholesaler and retailer purchaser with written notice as set forth below:

_____
(insert date)

Notice to Wholesalers and Retailers.

Our OPA ceiling price for _____
(describe item)
has been changed under the provisions of Maximum Price Regulation No. 306. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on or after August 5, 1943.

For a period of 90 days after making such change in the maximum price of an item, and with each shipment after the 90 day period to a person who has not made a purchase within that time, the processor shall include in each case or carton containing the item the written notice set forth above. On the outside of the unit in which the notice is enclosed, a legend shall be affixed as follows: "Notice of OPA Ceiling Price Change Enclosed."

The processor shall notify all purchasers of the item who are distributors other than wholesalers or retailers of such change in maximum price by written notice attached to the invoice issued in connection with the first transaction with such purchaser after making such change, as follows:

_____
(insert date)

Notice to Distributors Other Than Wholesalers or Retailers

Our OPA ceiling price for _____
(describe item)
has been changed under the provisions of Maximum Price Regulation No. 306. You are required to notify all retailers and wholesalers purchasing the item from you after August 4, 1943 of the corresponding change in your maximum price. The notice must be made in the manner prescribed in § 1341.582 of Maximum Price Regulation No. 306. However, such notification may be accomplished by delivery of notice contained in the shipping unit of the item bearing the legend "Notice of OPA Ceiling Price Change Enclosed."

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12383; Filed, July 30, 1943; 4:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[1] Amdt. 39]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1351.151 (b) (8) (iv) is amended by adding to the table in said section an additional line, which additional line shall read as follows:

Swift and Company's Bland lard	4/10 cent per pound over base or standard commercial refined lard.

2. The table in § 1351.151 (b) (8) (v) is amended by inserting an additional line in said table after the line reading "4 pound tins ____ 1¼" and before the line reading "8 pound cartons ____¼", which additional line shall read as follows:

3 pound tin or fibre containers	1¼.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12384; Filed, July 30, 1943; 4:36 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RO 2B,[2] Amdt. 7]

PASSENGER AUTOMOBILES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 2B is amended in the following respects:

1. The second sentence of section 1.4 is amended to read as follows: "A separate application must be filed on Form R-213 (Revised) for each car."

2. Section 1.5 (a) is amended by deleting from the first sentence the words and figures "Form R-214" and substituting therefor the words and figures "Form R-214 (Revised)".

3. Section 1.6 (b) is amended by deleting from the second sentence the words and figures "Form R-211" and substituting therefor the words and figures "Part A of Form R-212 (Revised)", and by deleting from the last sentence the words and figures "Form R-202" and substituting therefore the words and figures "Part B of Form R-212 (Revised)".

4. Section 1.6a (b) is amended by deleting from the second sentence the words and figures "Form R-211" and substituting therefor the words and figures

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8702, 8653, 8948, 9130, 9189, 9393, 9486, 9958, 10471, 10530, 11069; 8 F.R. 1200, 1972, 2875, 3251.

[2] 8 F.R. 2483, 5317, 5531, 5678, 7197, 8008.

"Part A of Form R–212 (Revised)" and by deleting from the third sentence the words and figures "Form R–202" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

5. Section 1.7 (b) is amended by deleting from the second sentence the words and figures "From R–211" and substituting therefor the words and figures "Part A of Form R–212 (Revised)" and by deleting from the third sentence the words and figures "Form R–202" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

6. Section 1.9 (e) is amended by deleting from the first sentence the words and figures "Form R–211" and substituting therefor the words and figures "Part A of Form R–212 (Revised)", and by deleting from the second sentence the words and figures "Form R–212" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

7. Section 1.9a (c) is amended by deleting therefrom the words and figures "Form R–212" and substituting therefor the words and figures "Part B of Form R–212 (Revised)".

8. The head-note of section 2.5 is amended by deleting the words and figures "Form R–203 (Revised)" and substituting therefor "Form R–203 (Revised 4/15/43)".

9. Section 2.5 (c) is amended by deleting from the first sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

10. Section 2.10 (a) (1) is amended by deleting from the last sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

11. Section 2.10 (a) (2) is amended by deleting from the last sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

12. Section 2.10 (a) (4) is amended by deleting from the second sentence the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

13. Section 3.2 (c) is amended by deleting therefrom the words and figures "Form R–203 (Revised)" and substituting therefor the words and figures "Form R–203 (Revised 4/15/43)".

This amendment shall become effective August 5, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong., WPB Dir. 1, 7 F.R. 563, Supp. Dir. 1A, 7 F.R. 695, 1493, 2229, 2729, Supp. Dir. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12386; Filed, July 30, 1943; 4:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 14 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point value set forth in the Official Table of Point Values (No. 6) which is made a part hereof.[2]

This amendment shall become effective 12:01 a. m., August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005 and Food Directive 5, 8 F.R. 2251)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12394; Filed, July 30, 1943; 4:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[3] Amdt. 12 to Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by this order shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 5) (OPA Forms R–1313, 1611 and 1612) which are made a part hereof.[3]

This amendment shall become effective at 12:01 a. m., August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1–M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12395; Filed, July 30, 1943; 4:44 p. m.]

PART 1412—SOLVENTS

[MPR 79]

CARBON TETRACHLORIDE AND CERTAIN BLENDS THEREOF

Revised Price Schedule No. 79[4] is redesignated Maximum Price Regulation 79 and revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1412.301 *Maximum prices for carbon tetrachloride and certain blends thereof.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 79 (Carbon Tetrachloride and Certain Blends Thereof), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1412.301 issued under Pub. Laws 421 and 729. 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 79—CARBON TETRACHLORIDE AND CERTAIN BLENDS THEREOF

CONTENTS

SECTION 1. *Prohibition against sales of carbon tetrachloride and certain blends thereof at higher than maximum prices.* (a) On and after August 5, 1943, regardless of any contract, agreement, lease or other obligation:

(1) No person shall sell or deliver carbon tetrachloride or blends thereof for which maximum prices are established by this regulation at prices higher than the maximum prices so established.

(2) No person shall buy or receive carbon tetrachloride or blends thereof for which maximum prices are established by this regulation at prices higher than the maximum prices so established.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(4) If the buyer of a blend of carbon tetrachloride with petroleum fractions receives from the seller a written statement that to the best of his knowledge the price does not exceed the maximum price fixed by this regulation, and if the buyer has no reason to doubt the truth of the statement, the buyer shall be deemed to have complied with this section.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with ac-

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089.

[2] Filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.

[3] 8 F.R. 3591, 3714, 4892, 5409, 5758, 6840, 7264, 7456, 7492, 8869.

[4] 7 F.R. 1354, 2792, 5056, 8202, 8948.

*Copies may be obtained from the Office of Price Administration.

tion taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship to other maximum price regulations*—(a) *General Maximum Price Regulation.*[2] The provisions of the General Maximum Price Regulation shall not apply to sales and deliveries of carbon tetrachloride and blends thereof for which maximum prices are established by this regulation except as provided in paragraph (b).

(b) *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries of the commodities named in this regulation if they originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported commodities are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.

(c) *Second Revised Maximum Export Price Regulation.*[3] The maximum price at which a person may export carbon tetrachloride and blends thereof shall be determined in accordance with the provisions of the Second Revised Maximum Export Regulation, issued by the Office of Price Administration.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales of carbon tetrachloride or blends thereof for which maximum prices are established by this regulation shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale showing the date thereof, the name and address of the buyer, the unit price received, the trade name or other description, and quantity, including the size and kind of container, of the carbon tetrachloride or blends thereof sold. Where additional charges are made for transportation costs, or deductions are made on account of requirements for the return or the furnishing by the purchaser of containers, such charges or deductions shall be shown separately on the records. If the person making the sale retains an invoice or a duplicate copy of an invoice containing this information in his files for the specified period he will have complied with the requirements of this paragraph (a).

(b) Every person who after February 2, 1942 and prior to August 5, 1943 was required to keep records under § 1335.604 of Revised Price Schedule No. 79 shall preserve such records for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(c) Every person blending carbon tetrachloride with petroleum fractions shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records showing the cost to him of the petroleum fractions used in such blending and the charges included on account of such petroleum fractions in computing his maximum prices for blends of carbon tetrachloride with petroleum fractions, and the percentage of carbon tetrachloride contained in such blends.

(d) Every person subject to this regulation shall, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, keep such other records and submit such reports as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded either by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to carbon tetrachoride or blends thereof for which maximum prices are established by this regulation, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates or otherwise.

SEC. 8. *Enforcement and licensing*—(a) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Licensing.* (1) Supplementary Order No. 11 (§ 1305.15) licenses all sellers under this regulation who are distributors as the term "distributor" is defined in the order. This order, in effect, provides that a license is necessary for resellers other than at retail who receive carbon tetrachloride or a blend thereof and resell the same without substantially changing its form. Merely blending carbon tetrachloride to form a blend thereof is not considered a substantial change in form. A license is automatically granted to these sellers. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order No. 11 describe the circumstances under which licenses may be suspended.

(2) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail carbon tetrachloride or blends thereof for which maximum prices are established by this regulation. The term "selling at retail" shall have the meaning given it by § 1499.20 of the General Maximum Price Regulation.

SEC. 9. *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Carbon tetrachloride" refers to all grades of carbon tetrachloride except the C. P., Reagent, and U. S. P. grades.

(3) "Manufacturer" means a person who produces carbon tetrachloride.

(4) "Reseller" means a person who sells carbon tetrachloride produced by another and includes a person other than a manufacturer who adds other materials to carbon tetrachloride to form blends thereof.

(5) "Seller's shipping point" means the point of manufacture or other point of distribution maintained by a manufacturer or seller.

(6) "Transportation costs" or "freight charges" shall be deemed to include the tax imposed by section 620 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.; approved October 21, 1942) as if it were a like increase in the rate or the amount charged by the carrier for the transportation in question.

(7) "Carload lot" means the smallest quantity which, under applicable tariffs of railroad carriers, would move from the point of shipment to the point of destination at a railroad carload rate rather than a railroad less-than-carload rate because a lower transportation charge is thus incurred.

(8) "Zone 1" means the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; the District of Columbia; and the cities of Omaha, Nebraska and Kansas City, Kansas.

(9) "Zone 2" means the States of Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and South Dakota, excepting the cities of Omaha, Nebraska, and Kansas City, Kansas.

(10) "Zone 3" means the States of Colorado, New Mexico, Texas, Wyoming, and that part of Montana east of but not including the following counties: Toole, Pondera, Teton, Lewis and Clark, Broadwater and Gallatin.

(11) "Zone 4" means the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and that part of Montana west of and including those counties mentioned above.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4840, 6047, 6962, 8511, 9025.

[3] 8 F.R. 4132, 5987, 7662.

petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[4]

SEC. 11. *Maximum prices for carbon tetrachloride and certain blends thereof in containers of 5 gallons or more.* The following maximum prices are established for carbon tetrachloride and certain blends thereof in containers of 5 gallons or more. Such maximum prices apply to deliveries in the respective zones, regardless of the zone from which shipment is made.

(a) *Carbon tetrachloride—(1) Tank cars and listed containers.*

	Zone 1	Zone 2	Zone 3	Zone 4
Tank cars	*Price per pound* $.0525	*Price per pound* $.0575	*Price per pound* $.0675	*Price per pound* $.06
Carload lots:	*Price per gallon*	*Price per gallon*	*Price per gallon*	*Price per gallon*
50–55 gallon containers	$.73	$.80	$.94	$.83
5 and 10 gallon containers	.97	1.04	1.17	1.07
Less than carload lots:				
50–55 gallon containers	.80	.87	1.00	.90
5 and 10 gallon containers	1.07	1.14	1.27	1.17

(2) *Sales in other containers.* For sales in containers not listed above, except containers of less than 5 gallon capacity, the maximum price per gallon shall be the price per gallon established in subparagraph (1) above for sales in the next larger container or, if there is no next larger container, in the largest container listed.

(b) *Blends of carbon tetrachloride with other chlorinated hydrocarbons.* The maximum prices for blends of carbon tetrachloride and other chlorinated hydrocarbons containing at least 85 percent carbon tetrachloride by volume, but not more than 5 percent chloroform by volume, shall be the same as those established for sales of carbon tetrachloride in like amounts and like containers by paragraph (a) above, except that blends of carbon tetrachloride conforming to the requirements of Federal Specification O–F380 of July 22, 1930 for fire-extinguishing-liquid, shall not be subject to this regulation.

(c) *Blends of carbon tetrachloride with petroleum fractions.* (1) Maximum prices for blends of carbon tetrachloride with petroleum fractions containing at least 50 percent of carbon tetrachloride by volume shall be prices computed as follows:

(i) *Sales in 50–55 gallon containers in carload lots.* To determine the maximum price for sales of such blends in 50–55 gallon containers in carload lots:

(*a*) Multiply the number of gallons of carbon tetrachloride in the mixture by the maximum price per gallon established in paragraph (a) above for sales of carbon tetrachloride in 50–55 gallon containers in carload lots.

(*b*) Add thereto 118 percent of the "cost of the petroleum fractions" in the mixture to the blender.

The "cost of the petroleum fractions" means the net cost delivered to the blender's plant, less all discounts other than cash discounts, but shall not include any payment or charge in excess of the applicable maximum price established by the Office of Price Administration. Where such person is also the producer of the petroleum fractions used, his maximum price for such petroleum fractions in that quantity and to that class of purchasers which results in his lowest maximum price shall be considered to be the "cost of the petroleum fractions" to him. Where more than one such "cost" is applicable to the petroleum fractions used in preparing a blend of carbon tetrachloride and petroleum fractions, the "cost" shall be determined by using the first in-first out method of valuation of inventory.

(ii) *Sales in other quantities and containers.* Maximum prices for sales of such blends in a quantity other than carload lots and in a container other than a 50–55 gallon container shall be determined by applying to the maximum price per gallon for sales in 50–55 gallon containers in carload lots, established in subdivision (i) above, the per gallon differential, established in paragraph (a) above, between the maximum price for sales of carbon tetrachloride in a like quantity and container and the maximum price for sales of carbon tetrachloride in 50–55 gallon containers in carload lots.

(2) All invoices for blends of carbon tetrachloride and petroleum fractions covered by this regulation shall state the percentage by volume of carbon tetrachloride contained in such blends and the maximum price per gallon established under this regulation. Such an invoice shall be furnished to the buyer prior to payment.

(d) *Transportation charges.* (1) The prices specified in paragraphs (a), (b), and (c) above for Zones 1, 2, and 3 are delivered prices, except that in the case of sales by resellers in 50–55 gallon containers, the buyer may be required to pay transportation charges in excess of $3.00 per container, unless, during the three-month period ending February 2, 1942, it was the seller's custom to pay the entire cost of transportation on sales in containers of 50–55 gallons to buyers in the same locality. Where the buyer is required to pay any part of the transportation charges, such part shall be separately stated by the seller on an invoice which he shall furnish to the buyer prior to payment.

(2) The prices specified in paragraphs (a), (b), and (c) above for Zone 4 are delivered prices where the shipment is made by a manufacturer.

(3) Prices specified in paragraphs (a), (b), and (c) above for Zone 4 are f. o. b. seller's shipping point, where the shipment is made:

(i) by a reseller located in one of the four terminal cities:

Los Angeles, Calif.
San Francisco, Calif.
Portland, Ore.
Seattle, Wash.

(ii) or by a reseller located elsewhere selling from stock received directly from a manufacturer.

(4) In the case of a reseller not located in a terminal city, selling from stock not received directly from a manufacturer, the maximum prices for Zone 4 shall be the maximum prices established in paragraphs (a), (b), and (c), f. o. b. seller's shipping point, plus the transportation cost per gallon, paid by him, which may not, however, exceed the transportation cost per gallon he would have paid if the material had been shipped to him by the shortest rail route from that terminal city to which rail freight rates are lowest. Where more than one transportation rate is applicable to stocks of the seller, the transportation costs per gallon included in the price charged shall be computed on a first in-first out basis. Added transportation costs shall be separately stated by the seller on an invoice which he shall furnish the buyer prior to payment.

(e) *Containers.* No charges may be made for containers except as specified in paragraphs (a), (b), or (c) above. The seller may require a reasonable deposit for the purpose of assuring the return of containers of 5 gallons capacity or more, or may require the buyer to supply in advance of shipment containers necessary for the packaging of the carbon tetrachloride or blends thereof ordered. If the seller requires a deposit on containers for the purpose of assuring their return, such deposit must be repaid to the buyer upon the return within a reasonable time of the container in good condition, reasonable wear and tear excepted. Costs with respect to the transportation of empty containers to the seller shall, in all cases, be borne by the seller. On any shipment of carbon tetrachloride or blends thereof as to which the seller requires the return or furnishing of containers, the maximum price for the carbon tetrachloride or blend thereof in the shipment as established in paragraphs (a), (b), or (c) above shall be reduced by the "reasonable value of the containers."

Where containers are furnished by the buyer, or where a deposit is required to assure the return of containers, the amount deducted for the "reasonable value of the containers" from the maximum prices established by paragraphs (a), (b), or (c) shall be separately stated by the seller on an invoice which he shall furnish to the buyer prior to payment.

The "reasonable value of a container" shall be:

(1) The specific dollar-and-cents maximum price, if any, established by any applicable regulation of the Office of Price Administration for an emptied container of the same kind which has not been reconditioned for reuse, f. o. b. the buyer's plant or,

(2) If no such specific dollar-and-cents maximum price has been established, the amount per container by which the replacement costs of the same kind of new container delivered to the plant of the seller who packaged the carbon tetrachloride or blend thereof exceeds the sum of the following:

(i) The average cost of reconditioning like used containers for reuse, and

(ii) The average cost of transporting such used containers to his plant.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

Until the end of the first full calendar month following August 5, 1943, the average cost of transportation and of reconditioning may be estimated if no actual costs are available for the preceding month. For the next calendar three-month period the average cost of transportation and reconditioning shall be computed as equal to the actual average cost of these items during such first full calendar month. For every calendar three-month period thereafter, the average cost of transportation and of reconditioning shall be computed as equal to the actual average cost of these items during the calendar three-month period immediately preceding.

Effective Date

This regulation shall become effective August 5, 1943.

NOTE: All reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12385; Filed, July 30, 1943; 4:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 7]

HANDLING OF DOMESTIC SHORN WOOL FOR COMMODITY CREDIT CORPORATION

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of of the Federal Register.*

Section 8.2 (a) (4) is added to read as follows:

(4) *Handling of domestic shorn wool for Commodity Credit Corporation by warehousemen in the State of Texas*—(i) *Maximum prices.* Wool warehousemen in the State of Texas may charge for the service of handling domestic shorn wool under the 1943 Wool Handler's Agreement of Commodity Credit Corporation either (a) their maximum prices established by § 1499.2 of the General Maximum Price Regulation or (b) 1¢ per pound of wool.

(ii) *Definitions.* As used in this subparagraph (4):

(*a*) The term "handling" includes the services of assembling, shipping, purchasing from the producer, selling for the account of Commodity Credit Corporation, storing during the warehouseman's free period as established by § 1499.2 of the General Maximum Price Regulation, and any other services contemplated within the term "handling" as used in the 1943 Wool Handler's Agreement of Commodity Credit Corporation.

(*b*) The term "wool" means all domestic shorn wool from sheep or lambs raised in the Continental United States and purchased for the account of Commodity Credit Corporation pursuant to the 1943 Wool Handler's Agreement of Commodity Credit Corporation.

This amendment shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12387; Filed, July 30, 1943; 4:37 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 119]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (b) (11) (ii) (*b*) (*1*) is amended to read as follows:

(*1*) For tank wagon deliveries in single lots of 250 gallons or more to a purchaser whose semi-annual requirements as hereafter defined for bulk delivery are:

(*i*) Under 60,000 gallons, the maximum commercial consumer's tank wagon price as determined under other provisions of this price schedule of the reference tank wagon seller named hereunder.

(*ii*) 60,000 gallons and more, three-quarters cent (¾¢) per gallon less than the maximum price established under (*i*).

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12388; Filed, July 30, 1943; 4:32 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271, Amdt. 5]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 16a is added to Article III of Revised Maximum Price Regulation 271 to read as follows:

SEC. 16a. *Exempt sales.* From and after July 30, 1943, to and including September 15, 1943 all sales and deliveries of selected seed potatoes to the War Food Administration to be exported by them (which have been field inspected and tagged by the appropriate State Seed Certifying Agency or by the state agency so designated to perform that function) shall be exempt from the provisions of this regulation.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12393; Filed, July 30, 1943; 4:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329,[1] Amdt. 12]

PURCHASE OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 329 is amended in the following respects:

1. Section 1351.402 (b) is amended to read as follows:

(b) If a purchaser did not purchase "milk" from a particular producer during January 1943, but subsequently purchases from that producer, the maximum price that he may pay shall be the highest price which any purchaser paid that producer during January 1943 (or the price subsequently established in accordance with the provisions of this regulation for such purchaser who bought from that producer during January 1943), subject to the same price differentials for grade and quality which were in effect for the producer during that month.

2. Section 1351.402 (c), (d), and (e) are redesignated § 1351.402 (d), (e), and (f), respectively.

3. Section 1351.402 (c) is added to read as follows:

(c) If a maximum price for a purchaser of "milk" from producers cannot be determined under paragraph (a) or paragraph (b), the maximum price shall be determined as follows:

In the case of a producer who did not sell "milk" (for resale as fluid milk) during January 1943, the maximum price shall be determined by the appropriate Regional Office of the Office of Price Administration upon application by the purchaser.

The appropriate regional office of the Office of Price Administration is authorized to establish maximum prices on applications filed under paragraph (c) and such maximum prices shall be subject to modification or revocation at any time.

NOTE: In the case of a purchaser who was not engaged in the business of purchasing "milk" (for resale as fluid milk) during January 1943, and subsequently engages in such business without purchasing an existing

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* Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3718.

[1] 8 F.R. 2038, 2874, 3252, 3621, 4726, 5933, 5907, 5907, 5933, 6734, 8063, 8063, 9884.

establishment, the maximum price at which he may purchase "milk" from producers will be determined under paragraph (b) above in the case of purchases from producers engaged in production for fluid milk purposes during January 1943, and will be determined under paragraph (c) above in the case of purchases from producers not so engaged.

4. Section 1351.404 (c) is amended to read as follows:

(c) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which milk is produced. Farmers' cooperatives are producers with regard to all sales of "milk" by them except that "milk" processed for them by operators of milk receiving or processing plants and except that "milk" handled in physical facilities for receiving, processing or distributing milk which are owned or leased by the cooperative.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved,

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12390; Filed, July 30, 1943; 4:33 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 148,[1] Amdt. 9]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. Section 1364.26 (a) is amended to read as follows:

(a) The price limitations set forth in this Revised Maximum Price Regulation No. 148 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, dressed hogs or wholesale pork cuts, alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding: *Provided,* That the following payments shall not be construed as evasions of such price limitations under the following conditions:

(1) A payment by a buyer to a broker of not to exceed $0.125 per hundredweight in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of wholesale pork cuts, if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per hundredweight.

(2) A payment by a buyer to a seller for icing services performed by the seller after March 1, 1943, and before delivery of dressed hogs or wholesale pork cuts to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad;

(3) A payment by a war procurement agency to a seller (i) for freezing and/or storing dressed hogs or wholesale pork cuts purchased by such agency if such freezing and/or storage charges were actually incurred by the seller and are evidenced by an invoice and warehouse receipt duly issued to the seller from a commercial warehouse; or (ii) for storing dressed hogs or wholesale pork cuts if the storage services were performed by the seller, and not by a commercial warehouse, if such services are evidenced by a warehouse receipt, showing the length of the storage, issued by the seller to the war procurement agency; and if such charges do not exceed the second month's maximum storage rates (under the General Maximum Price Regulation) of commercial warehousemen in the vicinity of the place where the storage occurred.

2. Schedule III (h) of § 1364.35 is added to read as follows:

(h) For freezing, in the seller's plant and not in a commercial warehouse, dressed hogs or wholesale pork cuts sold by the seller to war procurement agencies, $0.10 per hundredweight.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12392; Filed, July 30, 1943; 4:33 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 439,[1] Amdt. 1]

FRESH FISH AND SEAFOOD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 8 is amended to read as follows:

SEC. 8. *Where this regulation applies.* The provisions of this regulation shall apply to the United States, its territories and possessions.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12391; Filed, July 30, 1943; 4:32 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 19,[1] Amdt. 3]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 5 is amended by adding a new paragraph (d) as follows:

(d) On and after July 30, 1943, the maximum prices f. o. b. mill set forth in Article V, Appendix A: *Shortleaf Yellow Pine* Lumber and Article VI, Appendix B: *Longleaf Yellow Pine Lumber* are amended as follows:

(1) $3.00 per M is added to the prices shown for all sizes and lengths of No. 1 Common lumber in Tables 1, 2, 9, and 18.

(2) $3.00 per M is added to the prices shown for all sizes and lengths of D grade lumber in Tables 5, 6, 7, 17, 22, 23, 24 and 31.

(3) $4.00 per M is added to the prices shown for all sizes and lengths of No. 2 Common and lower grades in Tables 1, 2, 5, 6, 7, 9, 17, 18, 22, 23, 24, 25, and 31, and to No. 1 Box in Table 10 and to all items of Byrkit lath in Table 15.

(4) $0.50 per M pieces of lath is added to the prices shown for all items in Tables 14 and 29.

The maximum prices for all items in Revised Maximum Price Regulation No. 19 not specifically referred to in paragraph (d) remain unchanged.

This amendment shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of July, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-12389; Filed, July 30, 1943; 4:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 82 Under SR 15 to GMPR]

MASHKIN FREIGHT LINES, INC.

Order No. 82 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-1302.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1382 *Adjustment of maximum prices for contract carrier services of Mashkin Freight Lines, Inc., Hartford,*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8609, 9005, 8948; 8 F.R. 544, 2922, 3367, 4785, 7322, 7671, 7826, 8376, 8677.

[1] 8 F.R. 10267.

[1] 8 F.R. 5536, 6619, 8979.

Connecticut. (a) Mashkin Freight Lines, Inc. of Hartford, Connecticut, may sell and deliver contract carrier services to the First National Stores, Inc., of East Hartford, Connecticut, on and after August 2, 1943, at rates not to exceed those set forth in the schedules of minimum rates from points in Connecticut to points in Massachusetts, New York and Connecticut, as contained in its tariffs MF-ICC No. 5 which cancels MF-ICC No. 4, issued June 17, 1943; MF-ICC No. 8 which cancels MF-ICC No. 5 (Lewis A. Angenola series) (issued in lieu of MF-ICC No. 7 rejected by the Interstate Commerce Commission), issued September 3, 1942; and in its contract with the First National Stores, Inc., dated June 23, 1942 and known as Contract No. 3, a copy of each of which is annexed to its application for adjustment.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 82 (§ 1499.1382) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 82 (§ 1499.1382) shall become effective August 2, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12412; Filed, July 31, 1943; 11:14 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 84 Under SR 15 to GMPR]

HERMAN LOZOWICK TRUCKING CO.

Order No. 84 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3007.

For the reasons set forth in an opinion issued simultaneouly herewith, *It is ordered:*

§ 1499.1384 *Adjustment of maximum prices for contract carrier services furnished by Herman Lozowick Trucking Company.* (a) Herman Lozowick and others, d/b/a Herman Lozowick Trucking Company, 139 Charlton Street, Newark, New Jersey may increase the maximum prices for contract carrier services furnished to United Cigar-Whelan Stores Corporation by not more than 5.35% as set out in the schedule of minimum rates attached to the application and identified as MF-ICC No. 2.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 84 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 84 (§ 1499.1384) shall become effective August 2, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12413; Filed, July 31, 1943; 11:16 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 83 Under SR 15 to GMPR]

CLARENCE OBERT

Order No. 83 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3313.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1383 *Adjustment of maximum prices for contract carrier services furnished by Clarence Obert.* (a) Clarence Obert, 1515 Starr Avenue, Toledo, Ohio, may sell and deliver contract carrier services at rates not to exceed $3.05 per hour for the transportation of furniture, kitchen appliances, electrical appliances and household goods by van, with driver and helper, from, to and between points in Ohio and Michigan.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 83 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 83 (§ 1499.1383) shall become effective August 2, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12464; Filed, July 31, 1943; 2:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 590 Under § 1499.3 (b) of GMPR]

CAROLINA PANEL COMPANY

Carolina Panel Company, Lexington, South Carolina, has made application under § 1499.3 (b) of the General Maximum Price Regulation for the establishment of a maximum price on 5/16" 5 ply gum plywood. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328; *It is ordered:*

§ 1499.2128 *Approval of maximum prices of 5/16" 5 ply gum plywood.* (a) On and after the effective date of this order, Carolina Panel Company, Lexington, South Carolina, may sell and deliver 5/16" 5 ply gum, resin glued plywood at prices not to exceed $143.85 surface feet, f. o. b. mill.

(b) Any collection or charge made in excess of the maximum price established by this order shall be refunded to the purchaser within 30 days from the issue date of this order.

(c) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be May 26, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12463; Filed, July 31, 1943; 2:44 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 44]

TIRES, TUBES, RECAPPING, AND CAMELBACK

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.506 (a) (1) (ii) is hereby revoked.

2. Section 1315.803 (b) is amended to read as follows:

(b) *By manufacturers or wholesalers.* (1) A manufacturer may, in exchange for a certificate, transfer tires or tubes to a consumer who acquired tires or tubes from a manufacturer between December 31, 1940 and August 6, 1943.

(2) A wholesaler may, in exchange for a certificate, transfer tires or tubes to a consumer who acquired tires or tubes from a manufacturer or wholesaler between December 1, 1940 and August 6, 1943.

(3) A manufacturer or wholesaler may, upon receipt of the replenishment portion (Part B) of a certificate or receipt, deliver tires or tubes directly to a consumer or dealer for the account of any dealer who might himself lawfully make such delivery.

3. Section 1315.804 (f) (3) is amended by deleting the word "fifty" from the end thereof and substituting for it the words "seventy-five".

This amendment shall become effective August 6, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12452; Filed, July 31, 1943; 2:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 370]

LINSEED OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

Maximum Price Regulation 370, as amended, is redesignated Revised Maximum Price Regulation 370 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this Revised Regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and of E.O. 9250 and E.O. 9328.

The statement of the considerations involved in the issuance of this Revised Regulation has been simultaneously is-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

sued herewith and has been filed with the Division of the Federal Register.

§ 1351.353 *Maximum prices for linseed oil meal, cake, pea size meal and pellets.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Revised Maximum Price Regulation 370 (Linseed oil meal, cake, pea size meal and pellets), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.353 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 370—LINSEED OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

ARTICLE I—SCOPE OF THIS REVISED REGULATION

Sec.
1. Geographical applicability.
2. Effect on maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3. Definitions.
4. Maximum prices for sale of domestic linseed meal, cake, pea size meal and pellets by crushers.
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ARTICLE III—MISCELLANEOUS PROVISIONS

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Article I—Scope of this Revised Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic linseed oil meal, cake, pea size meal and pellets, whether produced from imported or domestic flaxseed.

SEC. 2. *Effect of maximum prices.* (a) While this Revised Regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any linseed oil meal, cake, pea size meal or pellets at prices above the maximum prices established by this Revised Regulation; or shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this Revised Regulation may be charged and paid.

Article II—Definitions, maximum prices and terms of sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other Government or any political subdivision or agency of any of the foregoing.

"Crusher" is a person who crushes flaxseed by expeller, extraction or hydraulic process into linseed oil and linseed oil cake or meal. It also includes persons converting linseed oil cake into linseed oil meal and pea size meal and finally into pellets.

"Linseed oil meal, cake, pea size meal and pellets" refer to the products produced by a crusher from flaxseed as above described. The flaxseed used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal or cake after the crushing of the oil from the flaxseed. In no event shall the linseed oil meal, cake, pea size meal or pellets contain less than 28 per cent of protein.

"Jobber" is a person other than crusher or retailer who distributes linseed oil meal, cake, pea size meal or pellets owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys linseed oil meal, cake, pea size meal or pellets, unloads it into a warehouse and resells the same to a retailer or a person who processes the same further. It includes a crusher where he transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys linseed oil meal, cake, pea size meal or pellets and resells the same to a feeder. It includes a crusher where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any linseed oil meal, cake, pea size meal or pellets to animals or poultry.

"Carload lot" means a lot of linseed oil meal, cake, pea size meal or pellets of 30 tons or more.

"Less than carload lot" means a quantity other than a carload lot or pool car lot, and includes truck quantities.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sale of domestic linseed meal, cake, pea size meal and pellets by crushers.* (a) The maximum price for the sale and delivery of domestic linseed oil meal, cake, pea size meal or pellets per ton, bulk, at production plant, by a crusher shall be as follows:

Location of crushing plants	Guaranteed minimum percentage of protein	Maximum prices in carload lots or pool car lots		Maximum prices in less than carload lots Meal or Cake or Pea Size Meal or Pellets
		Meal or Cake	Pea Size Meal or Pellets	
1. Minneapolis and Red Wing, Minnesota	34% or more	$42.00	$43.50	Add $1.00 to maximum price of meal or cake or of the pea size meal or pellets in carload lots or pool car lots.
2. Chicago, Illinois and Milwaukee, Wisconsin	34% or over	44.50	46.00	Do.
3. Cleveland and Toledo, Ohio	34% or over	46.00	47.50	Do.
4. Emporia and Fredonia, Kansas	34% or over	46.00	47.50	Do.
5. Buffalo, New York	34% or over	46.00	47.50	Do.
6. Amsterdam, New York	34% or over	45.00	46.50	Do.
	32% or over	43.00	44.50	Do.
7. Edgewater and Newark, New Jersey; Philadelphia, Pennsylvania; Brooklyn and Staten Island, New York.	34% or over	45.00	46.50	Do.
	32% up to 34%	43.00	44.50	Do.
8. Corpus Christi, Harlingen, and Houston, Texas	32% or over	47.00	48.50	Do.
9. Los Angeles, California	28% up to 32%	42.00	43.50	Do.
Los Angeles, California	32% or over	44.00	45.50	Do.
10. San Francisco, California	28% up to 32%	44.00	45.50	Do.
San Francisco, California	32% up to 34%	44.00	45.50	Do.
San Francisco, California	34% or over	46.00	47.50	Do.
11. Fresno, California	28% or over	42.00	43.50	Do.
12. Portland, Oregon	34% or over	42.00	43.50	Do.
13. Any other crushing plant	The guaranteed minimum percentage of protein and the maximum price at the crushing plant nearest thereto.			

(b) The foregoing maximum prices shall be increased for a sale and delivery by a crusher at any point other than crushing plant by transportation charges from the crushing plant where produced to the buyer's receiving point by a usual route and method of transportation.

SEC. 5. *Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by jobbers.* The maximum price for the sale of domestic linseed oil meal, cake, pea size meal or pellets by a jobber shall be 50 cents per ton (maximum markup for sales in carload lots, and $1.00 per ton (maximum markup) for sales in less than carload lots or in pool car lots, over the maximum price which he could lawfully have paid the crusher for the quantity and quality purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 6. *Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by wholesalers.* The maximum price for the sale of domestic linseed oil meal, cake, pea size meal or pellets by a wholesaler shall be $2.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the crusher or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 7. *Maximum prices for sales of domestic linseed oil meal, cake, pea size meal or pellets by retailers.* The maximum price for the sale of domestic linseed oil meal, cake, pea size meal or pellets by a retailer shall be $5.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the crusher, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 8. *Maximum prices for sales of imported linseed oil meal, cake, pea size meal or pellets.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported linseed oil meal, cake, pea size meal or pellets shall be the maximum price for a sale by a crusher of a like quantity and quality of the domestic product produced at that domestic crushing plant located nearest the port of entry.

(b) Jobbers, wholesalers and retailers making sales (within the 48 States and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as above provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 9. *Maximum prices in other cases.* (a) The maximum price for the sale of any linseed oil meal, cake, pea size meal or pellets by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which the person from whom purchased could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this Revised Regulation sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided,* That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 10. *Increases for sacks.* When any seller has bulk domestic or imported linseed oil meal, cake, pea size meal or pellets and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

In seller's new sacks	$3.50
In seller's used sacks	3.00
In buyer's new or recleaned sacks	.50
In buyer's sacks of any other kind	1.00

SEC. 11. *Sales on basis of guaranteed minimum percentage of protein and adjustment for deficiencies.* (a) No person shall sell any domestic or imported linseed oil meal, cake, pea size meal or pellets except on the basis of the guaranteed minimum percentage of protein specified in section 4 (a) hereof for that crushing plant where produced or for that crushing plant which is used in computing a maximum price thereon: *Provided,* That the Office of Price Administration may permit any person to sell such products upon the basis of a different guaranteed minimum percentage of protein upon verified application filed with the Feed Section, Office of Price Administration, Washington, D. C., setting forth the percentage desired, the reasons therefor, and the hardship the applicant will suffer unless the application is granted.

(b) If an actual analysis of any lot of domestic or imported linseed oil meal, cake, pea size meal or pellets differs from the guaranteed minimum percentage of protein therein as above provided then:

(1) If above said guaranteed minimum percentage of protein, no increase in the maximum price is permitted.

(2) If below said guaranteed minimum percentage of protein, the deficiency shall be adjusted and settled in the following manner: divide the appropriate maximum price specified in section 4 (a) hereof by such guaranteed minimum percentage of protein, and multiply the resulting figure by the actual percentage, including fractions of protein in the lot in question, and this resulting figure is the adjusted maximum price thereof.

SEC. 12. *Maximum prices for export sales.* The maximum price for export sales of linseed oil meal, cake, pea size meal or pellets shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 14. *Evasion.* The provisions of this Revised Regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this Revised Regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 15. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of linseed oil meal, cake, or pellets after the effective date of this Revised Regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this Revised Regulation may do so in accordance with Revised Procedural Regulation No. 1 [2] is-

[1] 8 F.R. 4132, 5987, 7662.

[2] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

sued by the Office of Price Administration.

Effective date. This revised regulation shall become effective July 31, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12453; Filed, July 31, 1943; 2:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 442]

PEANUT OIL MEAL, CAKE, SIZED CAKE, PELLETS AND PEANUT HULLS

Maximum Price Regulation 442 is a revision and amendment as to the above named peanut products of former § 1499.-73 (a) (50) of Supp. Reg. 14 to the General Maximum Price Regulation. (The present section is § 1.8 of Revised Supp. Reg. 14 to the General Maximum Price Regulation.)

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E.O. 9250 and E.O. 9328.

The statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1351.365 *Maximum prices for peanut oil meal, cake, sized cake, pellets and peanut hulls.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation 442 (Peanut oil meal, cake, sized cake, pellets and peanut hulls) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.365 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 442—PEANUT OIL MEAL, CAKE, SIZED CAKE, PELLETS, AND PEANUT HULLS

ARTICLE I—SCOPE OF THIS REGULATION

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

ARTICLE III—MISCELLANEOUS PROVISIONS

Article I—Scope of this Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic peanut oil meal, cake, sized cake, pellets and peanut hulls, whether produced from domestic or imported peanuts.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any peanut oil meal, cake, sized cake, pellets or peanut hulls at prices above the maximum prices established by this regulation; nor shall any person agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this Regulation may be charged and paid.

Article II—Definitions, maximum prices and terms of sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who crushes peanuts by expeller, extraction or hydraulic process into peanut oil and peanut oil cake, meal, sized cake, pellets or peanut hulls.

"Grinder" is a person who buys peanut oil cake and processes or procures the processing of such cake into peanut oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets. It includes a processor who buys oil cake and processes such cake into peanut oil meal, sized cake or pellets and sells such oil meal, sized cake or pellets.

"Peanut oil meal, cake, sized cake and pellets" refer to the products produced by a processor from peanuts as above described. The peanuts used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal, cake, sized cake, pellets or hulls after the crushing of the oil from the peanuts.

"Peanut hulls" refer to the by-product produced by a processor from peanuts as above described.

"Jobber" is a person other than a processor, grinder or retailer who distributes peanut oil meal, cake, sized cake, pellets or peanut hulls owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys peanut oil meal, cake, sized cake, pellets or peanut hulls, unloads it into a warehouse and resells the same to a retailer or to a person who processes the same further. It includes a processor or grinder who transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys peanut oil meal, cake, sized cake, pellets or peanut hulls and resells the same to a feeder. It includes a processor or grinder where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any peanut oil meal, cake, sized cake, pellets or peanut hulls to animals or poultry.

"Carload lot" means a lot of peanut oil meal, cake, sized cake or pellets of 30 tons or more and for peanut hulls the minimum established in official railroad tariffs.

"Less than carload lot" means a quantity other than a carload or pool car lot, and includes truck quantities.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

"Transportation charges" shall be computed at:

(a) The lowest common carrier rate (including the 3 percent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(b) If there is no such rate, the reasonable value of the service (including said 3 percent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake or pellets, other than that specified in section 5 hereof, by processors.* (a) The maximum price for the sale and delivery of domestic peanut oil meal, sized cake and pellets (other than as specified in section 5 hereof) per ton, in car lots or pool car lots, bulk, 45 per cent or more of protein, at production plant, by a processor shall be $50.00 per ton.

(b) The foregoing maximum prices shall be decreased at the rate of 75 cents per ton for a like sale and delivery of a like quality of peanut oil cake.

*Copies may be obtained from the Office of Price Administration.

(c) The maximum prices specified in paragraph (a) of this section shall be increased at the rate of $1.50 per ton for a like sale and delivery of a like quality of peanut oil meal pellets.

(d) The foregoing maximum prices shall be decreased for the sale of lots of peanut oil meal, cake, sized cake or pellets containing less than 45 per cent of protein at the rate of 75 cents per ton for each 1 per cent or fraction thereof of protein below said 45 per cent of protein.

(e) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any peanut oil meal, cake, sized cake or pellets in a less than carload lot.

(f) The foregoing maximum prices shall be increased for a sale and delivery of any peanut oil meal, cake, sized cake or pellets by a processor at any point other than the plant where produced by transportation charges from said production plant to such point by a usual route and method of transportation.

SEC. 5. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake or pellets owned or under contract by a processor or produced from peanuts owned or under contract by a processor on July 31, 1943.* (a) The maximum price for the sale and delivery of domestic peanut oil meal, cake, sized cake or pellets which is owned or under contract by a processor or which is produced from peanuts of the 1942 crop owned or under contract by a processor on July 31, 1943, per ton, in carload lots or pool car lots, bulk, 41 per cent up to 43 per cent of protein at production plant, by a processor shall be $2.00 per ton above the minimum trade prices specified in section 1 of the Crusher (Processor) Contract, 1942 Peanut Crushing Program, of the Commodity Credit Corporation.

(b) The foregoing maximum price shall be increased at the rate of $1.00 per ton for a sale of any peanut oil meal, cake, sized cake or pellets in a less than carload lot.

(c) The maximum prices established by this section shall be applicable to all processors irrespective of whether or not the above named Processor Contract is in effect.

SEC. 6. *Maximum prices for the sale of domestic peanut hulls by processors.* The maximum price for the sale of ground or unground domestic peanut hulls, per ton, bulk, by a processor shall be $12.00 per ton for sales in carload lots and $13.00 per ton for sales in less than carload lots, plus transportation charges from plant where produced to the buyer's receiving point by a usual route and method of transportation.

SEC. 7. *Maximum prices for the sale of domestic peanut oil meal, sized cake or pellets by grinders.* (a) The maximum price for the sale or delivery of peanut oil meal, sized cake or pellets by a grinder shall be the maximum price of the processor (from whom the peanut oil cake was obtained) for a like sale of such oil meal, sized cake or pellets (that is, the maximum price of the processor determined according to the applicable provisions of section 5 or 6) plus an addition at the rate of 50 cents per ton plus actual or reasonable transportation charges, if any, incurred by the seller in respect to the lot sold.

(b) Where a processor makes a sale as a grinder, the burden shall always rest upon him to establish by clear evidence that he in fact actually performed the functions of a grinder.

SEC. 8. *Maximum prices for sales of domestic peanut oil meal, cake, sized cake, pellets or hulls by jobbers.* The maximum price for the sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by a jobber shall be:

(a) 50 cents per ton (maximum markup) for sales in carload lots; and

(b) $1.00 per ton (maximum markup) for sales in less than carload lots or pool car lots over the maximum price which he could lawfully have paid a processor or grinder for the quantity and quality purchased by him and which he is reselling, plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 9. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by wholesalers.* The maximum price for the sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by a wholesaler shall be:

(a) $2.50 per ton (maximum markup) for sales of peanut oil meal, cake, sized cake or pellets; and

(b) $2.00 per ton (maximum markup) for sales of peanut hulls over the maximum price which he could lawfully have paid the processor, grinder or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 10. *Maximum prices for sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by retailers.* The maximum price for the sale of domestic peanut oil meal, cake, sized cake, pellets or hulls by a retailer shall be:

(a) $5.50 per ton (maximum markup) for sales of peanut oil meal, cake, sized cake and pellets.

(b) $4.00 per ton (maximum markup) for sales of peanut hulls over the maximum price which he could lawfully have paid the processor, grinder, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 11. *Maximum prices for sales of imported peanut oil meal, cake, sized cake, pellets or hulls.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported peanut oil meal, cake, sized cake, pellets or hulls shall be the maximum price for a like sale by a processor of a like quantity and quality of the domestic product produced at that domestic processing plant located nearest the port of entry.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as above provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 12. *Maximum prices in other cases.* (a) The maximum price for the sale of any peanut oil meal, cake, sized cake, pellets or hulls by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation, sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided,* That no such sales, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 13. *Increases for sacks.* When any seller has bulk peanut oil meal, cake, sized cake, pellets or peanut hulls and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton:

(a) For sales of peanut oil meal, cake, sized cake or pellets:

(1) In seller's sacks, the reasonable market value of the sacks, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided,* That if the sacks were purchased from the buyer by the seller, the seller shall not charge more than the price he paid for such sacks.

(2) In buyer's new or recleaned sacks, $.50.

(3) In buyer's sacks of any other kind, $1.00.

(b) For sales of peanut hulls:

(1) In seller's sacks, the reasonable value of the sacks, not exceeding any maximum price thereon at the time of the sale or delivery.

(2) In buyer's sacks, 50 cents per ton for the sacking.

SEC. 14. *Sales on basis of guaranteed minimum percentage of protein and adjustment of deficiencies.* (a) No person shall sell any domestic or imported peanut oil meal, cake, sized cake or pellets except on the basis of a specified guaranteed minimum percentage of protein therein.

(b) If an actual analysis of any lot of domestic or imported peanut oil meal, cake, sized cake or pellets differs from the guaranteed minimum percentage of protein therein, then:

(1) If above said guaranteed minimum percentage of protein, no increase in the maximum price is permitted.

(2) If below said guaranteed minimum percentage of protein, the deficiency shall be adjusted and settled in the following manner: divide the appropriate maximum price by such guaran-

teed minimum percentage of protein, and multiply the resulting figure by the actual percentage, including fractions, of protein in the lot in question, and this resulting figure is the adjusted maximum price thereof.

SEC. 15. *Maximum prices for export sales.* The maximum price for export sales of peanut oil meal, cake, sized cake, pellets or hulls shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 16. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 17. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 18. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of peanut oil meal, cake, sized cake, pellets or hulls after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[2]

SEC. 19. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 20. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this Regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.[3]

Effective date. This regulation shall become effective July 31, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12454; Filed, July 31, 1943; 2:42 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,[1] Amdt. 15]

DESIGNATION OF 264 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration 25 is amended in the following respects:

1. In § 1388.1201 items 6 (Tuskegee), 11 (Benton-Bauxite), 20 (Chico), 23 (Lemoore-Hanford), 26 (Merced), 44 (Sebring), 47 (Valparaiso), 66 (Bedford), 67 (Clinton-Newport), 83 (Morganfield), 101 (Adrian), 125 (Wahoo-Fremont), 159 (Findlay-Fostoria), 169 (Astoria), 176 (Chambersburg), 181 (Milton), 190 (Beaufort), 196 (Sumter), 209 (Bastrop, Texas), 210 (Bonham), 231 (Tooele-Wendover), 241 (Island County), and 243 (Pasco), are hereby revoked to add these areas to other defense-rental areas.

2. In § 1388.1201 items 4 (Montgomery), 17 (Little Rock), 18 (Pine Bluff), 25 (Marysville-Yuba City), 32 (Visalia-Tulare), 35 (Pueblo), 42 (Panama City), 43 (Pensacola), 46 (Tampa), 62 (Rantoul), 75 (Muncie-Anderson), 68 (Columbus, Indiana), 70 (Evansville-Henderson), 71 (Fort Wayne), 76 (Terre Haute), 84 (Paducah), 104 (Jackson, Michigan), 111 (Columbus, Mississippi), 123 (Omaha), 140 (Jamestown), 150 (Elizabeth City, North Carolina), 163 (Toledo), 167 (Oklahoma City), 173 (Portland-Vancouver), 178 (Harrisburg), 185 (Scranton-Wilkes Barre), 186 (Williamsport), 191 (Charleston, South Carolina), 192 (Columbia, South Carolina), 203 (Knoxville), 205 (Nashville), 207 (Amarillo), 208 (Austin), 219 (Marshall), 225 (Sherman-Denison), 230 (Salt Lake City-Ogden), 240 (Everett), 246 (Walla Walla), and 247 (Charleston, West Virginia) are amended to read as follows:

(4) Montgomery	Alabama	Counties of Elmore, Macon, and Montgomery
(17) Little Rock	Arkansas	Counties of Clark, Garland, Hot Spring, Lonoke, Pulaski, and Saline
(18) Pine Bluff	Arkansas	Counties of Arkansas, Jefferson, and Prairie
(25) Marysville-Chico	California	Counties of Butte, Sutter and Yuba
(32) Tulare-Kings	California	Counties of Kings and Tulare
(35) Pueblo	Colorado	Counties of Otero and Pueblo
(42) Panama City	Florida	Counties of Bay, Franklin and Gulf
(43) Pensacola	Florida	Counties of Escambia, Okaloosa, and Santa Rosa
(46) Tampa	Florida	Counties of Highlands, Hillsborough, Pinellas, and Polk
(62) Champaign-Vermillion	Illinois	Counties of Champaign and Vermillion
(75) Anderson	Indiana	Counties of Delaware, Grant, Howard, Huntington, Madison, Miami, and Wabash
(68) Columbus, Indiana	Indiana	Counties of Bartholomew, Brown, Jackson, Johnson, Lawrence, Martin, Morgan, and Shelby
(70) Evansville-Henderson	Indiana Kentucky	County of Vanderburgh Henderson and Union
(71) Fort Wayne	Indiana	Counties of Adams and Allen
(76) Terre Haute	Indiana	Edgar, Parke, Vermillion, and Vigo
(84) Paducah	Kentucky	Ballard and McCracken
(104) Jackson, Michigan	Michigan	Jackson, Lenawee, and Monroe
(111) Columbus, Mississippi	Alabama Mississippi	Lamar Chickasaw, Clay, Itawamba, Lee, Lowndes, and Monroe
(123) Omaha	Nebraska Iowa	Counties of Dodge, Douglas, Sarpy, and Saunders Pottawatamie
(140) Jamestown	New York Pennsylvania	County of Chautauqua Warren
(150) Elizabeth City, North Carolina	North Carolina	Counties of Chowan, Pasquotank, and Perquimans
(163) Toledo	Ohio	Counties of Hancock, Lucas, Seneca, and Wood
(167) Oklahoma City	Oklahoma	Counties of Caddo, Cleveland, Grady, McClain, and Oklahoma
(173) Portland-Vancouver	Oregon	Counties of Clackamas, Clatsop, Multnomah, Tillamook, and Washington
	Washington	County of Clark
(178) Harrisburg	Pennsylvania	Counties of Cumberland, Dauphin, Franklin, Lebanon, and Perry
(185) Scranton-Wilkes-Barre	Pennsylvania	Counties of Carbon, Lackawanna, and Schuylkill and that portion of Luzerne County other than Nescopeck Borough, Nescopeck Township, and Salem Township
(186) Williamsport	Pennsylvania	Counties of Columbia, Lycoming, Montour, Northumberland, Snyder, and Union, and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township
(191) Charleston, South Carolina	South Carolina	Counties of Beaufort, Charleston, Colleton, and Dorchester
(192) Columbia, South Carolina	South Carolina	Counties of Calhoun, Florence, Lexington, Richland, and Sumter
(203) Knoxville	Tennessee	Counties of Anderson, Blount, Knox, and Roane
(205) Nashville	Tennessee	Counties of Davidson and Rutherford
(207) Amarillo	Texas	Counties of Dallam, Hansford, Hartley, Moore, Potter, Randall, and Sherman
(208) Austin	Texas	Counties of Bastrop, Hays, Travis, and Williamson
(219) Marshall	Texas	Counties of Camp, Cass, Harrison, Marion, Morris, Red River, Smith, Titus, and Upshur
(225) Sherman-Denison	Texas	Counties of Fannin and Grayson
(230) Salt Lake City	Utah	Counties of Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele and Weber
(240) Everett	Washington	Counties of Island and Snohomish
(246) Walla Walla	Washington	Counties of Franklin and Walla Walla and in the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland
(247) Charleston, West Virginia	West Virginia	County of Kanawha and in the County of Putnam the Magisterial District of Pocatalico

[1] 8 F.R. 4132, 5987, 7662.

[2] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[1] 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738, 9021.

[3] 7 F.R. 8961; 8 F.R. 3313, 3533.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12470; Filed, July 31, 1943; 2:47 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 26,[1] Amdt. 2]

DESIGNATION OF 19 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration 26 is amended in the following respects:

1. In § 1388.1251 items 1 (Hot Springs-Malvern, Arkansas), 6 (Decatur, Indiana), 7 (Wabash), 15 (Dumas-Sunray), and 16 (Brigham) are hereby revoked to add these areas to other defense-rental areas.

2 In § 1388.1251 item 2 (Modesto) is amended to read as follows:

(2) Modesto-Merced, California.. Counties of Merced and Stanislaus

This amendment shall become effective August 1 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12469; Filed, July 31, 1943; 2:47 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 29,[2] Amdt. 1]

DESIGNATION OF 26 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration 29 is amended in the following respects:

1. In § 1388.1321 items 2 (Stuttgart), 3 (La Junta), 5 (Apalachicola), 9 (Seymour, 19 (Mt. Vernon), and 25 (Daingerfield) are hereby revoked to add these areas to other defense-rental areas.

2. In § 1388.1321 items 4 (Leadville) and 21 (Emporium) are amended to read as follows:

(4) Leadville-Salida, Colorado: Counties of Chaffee, Eagle, Garfield, Lake, and Summit.

(21) Emporium, Pennsylvania: Counties of Cameron and Elk.

This amendment shall become effective August 1, 1943.

[1] 7 F.R. 3941; 8 F.R. 5738.
[2] 7 F.R. 5907.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12468; Filed, July 31, 1943; 2:48 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Revocation of Designation and Rent Declaration 30]

DESIGNATION OF THE NORMAN DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA[1]

Designation and Rent Declaration No. 30—Designation of the Norman Defense-Rental Area and Rent Declaration Relating to that area is hereby revoked to add the counties of Cleveland and McClain in the Norman Defense-Rental Area to the Oklahoma City Defense-Rental Area.

This revocation shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12466; Filed, July 31, 1943; 2:46 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,[1] Amdt. 8]

DESIGNATION OF 60 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Designation and Rent Declaration No. 31 is amended in the following respects:

1. In § 1388.1341 item 57 (Florence) is hereby revoked to add the County of Florence in the Florence Defense-Rental Area to the Columbia, South Carolina, Defense-Rental Area.

2. In § 1388.1341 item 5 (Colorado), 13 (Kentucky), 29 (North Carolina), 34 (Pennsylvania), 37 (Tennessee), 38 (Texas), and 43 (West Virginia) are amended to read as follows:

(5) Colorado	Colorado	That portion of the State of Colorado not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Chaffee and Garfield.
(13) Kentucky	Kentucky	That portion of the State of Kentucky not heretofore designated by the Price Administrator as part of any defense-rental area, except the county of Ballard.
(29) North Carolina	North Carolina	That portion of the State of North Carolina not heretofore designated by the Price Amdinistrator as part of any defense-rental area, except the counties of Chowan, Moore, and Perquimans.
(34) Pennsylvania	Pennsylvania	That portion of the State of Pennsylvania not heretofore designated by the Price Administrator as part of any defense-rental area, except the county of Elk.
(37) Tennessee	Tennessee	That portion of the State of Tennessee not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Anderson and Roane.
(38) Texas	Texas	That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the counties of Brazos, Brewster, Kinney, Lampasas, Smith, Uvalde, Val Verde, and Webb.
(43) West Virginia	West Virginia	That portion of the State of West Virginia not heretofore designated by the Price Administrator as part of any defense-rental area, except the Magisterial District of Pocatalico in Putnam County.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12471; Filed, July 31, 1943; 2:47 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Hotels and Rooming Houses, Amdt. 3]

Schedule A of the Rent Regulation for Hotels and Rooming Houses (8 F.R. 7334, 9019, 9021) is amended in the following respects:

1. Items 12 (Tuskegee), 18 (Benton-Bauxite), 22 (Hot Springs-Malvern, Arkansas), 26 (Stuttgart), 27 (Chico), 29 (Lemoore-Hanford), 32 (Merced), 44 (La Junta), 54 (Apalachicola), 64 (Sebring), 67 (Valpariso), 95 (Bedford), 96 (Clinton-Newport), 99 (Decatur, Indiana), 107 (Seymour), 111 (Wabash), 126 (Morganfield), 148 (Adrian), 161 (Aberdeen, Mississippi), 183 (Wahoo-Fremont), 196 (Hobbs), 231 (Findlay-Fostoria), 236 (Mt. Vernon), 242 (Chickasha), 249 (Norman), 252 (Astoria), 259 (Chambersburg), 265 (Milton), 269 (Scranton-Wilkes Barre), 271 (Warren), 276 (Beaufort), 279 (Florence), 282 (Sumter), 294 (Murfreesboro), 301 (Bastrop, Texas), 304 (Bonham), 310 (Daingerfield), 313 (Dumas-Sunray), 334 (Brigham), 337 (Tooele-Wendover), 349 (Island County), and 350 (Pasco) are hereby revoked to add these areas to other defense-rental areas.

2. Item 40a (Ventura) is added and items 8 (Montgomery), 23 (Little Rock), 25 (Pine Bluff), 31 (Marysville-Yuba City), 33 (Modesto), 41 (Visalia-Tulare), 45 (Leadville), 46 (Pueblo), 62 (Panama City), 63 (Pensacola), 66 (Tampa), 91 (Rantoul), 97 (Columbus, Indiana), 100 (Evansville-Henderson), 101 (Fort Wayne), 106 (Muncie-Anderson), 109 (Terre Haute), 127 (Paducah), 151 (Jackson, Michigan), 164 (Columbus, Mississippi), 181 (Omaha), 194 (Carlsbad), 203 (Jamestown), 214 (Elizabeth City, North Carolina), 234 (Mansfield), 240 (Toledo), 250 (Oklahoma City), 256 (Portland-Vancouver), 260 (Emporium), 262 (Harrisburg), 272 (Williamsport), 277 (Charleston, South Carolina), 278 (Columbia, South Carolina), 292 (Knoxville), 295 (Nashville), 299 (Amarillo), 300 (Austin), 324 (Marshall), 329 (Sher-

[1] 7 F.R. 6425.

[1] 8 F.R. 122, 1229, 1749, 4779, 5738, 5739.

man-Denison), 336 (Salt Lake City-Ogden), 348 (Everett), 354 (Walla Walla), and 355 (Charleston, West Virginia) are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under Rent Regulation for Hotels and Rooming Houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(23) Little Rock [1]	Arkansas	Lonoke and Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Hot Spring and Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(25) Pine Bluff [1]	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Arkansas County and the Southern District of Prairie County consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roe Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(31) Marysville-Chico.	California	Sutter and Yuba	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	California	Butte	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(33) Modesto-Merced.	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(40a) Ventura	California	Ventura	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(41) Tulare-Kings	California	Kings and Tulare	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(45) Leadville-Salida.	Colorado	Eagle, Lake, and Summit	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Colorado	Chaffee and Garfield	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(46) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(62) Panama City	Florida	Bay	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Franklin and Gulf	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Okaloosa	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Santa Rosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
(66) Tampa	Florida	Hillsborough, Pinellas, and Polk.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Highlands	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(91) Champaign-Vermilion.	Illinois	Champaign and Vermilion.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(97) Columbus, Indiana.	Indiana	Bartholomew, Brown, Johnson, Morgan, and Shelby.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence and Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(100) Evansville-Henderson.	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(101) Fort Wayne	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(106) Anderson	Indiana	Huntington, Miami, and Wabash.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(127) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Ballard	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(151) Jackson, Michigan.	Michigan	Jackson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee and Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(164) Columbus, Mississippi.	Mississippi	Chickasaw, Clay, Itawamba, Lee, and Monroe.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Alabama	Lamar	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Lowndes	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(181) Omaha	Nebraska	Dodge and Saunders	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Pottawatamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(194) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Mexico	Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(203) Jamestown	New York	Chautauqua	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(214) Elizabeth City, North Carolina.	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(234) Mansfield	Ohio	Ashland, Crawford, and Richland.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Knox	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Seneca	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(250) Oklahoma City	Oklahoma	Cleveland, McClain, and Oklahoma.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(256) Portland-Vancouver.	Oregon	Clackamas, Multnomah, and Washington.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Washington	Clark	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Oregon	Clatsop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Tillamook	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(260) Emporium	Pennsylvania	Cameron	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	Elk	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(262) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Franklin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Columbia, Montour, Northumberland, Snyder, and Union.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	In the County of Luzerne Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(277) Charleston, South Carolina.	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Aug. 1, 1942	Oct. 15, 1942
	South Carolina	Beaufort and Colleton	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(278) Columbia, South Carolina.	South Carolina	Calhoun, Lexington, and Richland.	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
	South Carolina	Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(299) Amarillo	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Dallam, Hansford, Hartley, Moore, and Sherman.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(300) Austin	Texas	Bastrop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Hays, Travis, and Williamson.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Camp, Cass, Morris, Red River, and Titus.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(329) Sherman-Denison).	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(336) Salt Lake City [1]	Utah	Davis, Morgan, Salt Lake, and Weber	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Box Elder	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland.	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(355) Charleston, West Virginia.	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Magisterial District of Pocatalico.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

This amendment shall become effective August 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Hotels and Rooming Houses.

(Pub. Laws 421 and 729, 77th Cong.)

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12457; Filed, July 31, 1943; 2:49 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Regulation for Housing, Amdt. 4]

Schedule A of the Rent Regulation for Housing (8 F.R. 7322, 9020, 9021) is amended in the following respects:

1. Items 12 (Tuskegee), 18 (Benton-Bauxite), 22 (Hot Springs-Malvern, Arkansas), 26 (Stuttgart), 27 (Chico), 29 (Lemoore-Hanford), 32 (Merced), 44 (La Junta), 54 (Apalachicola), 64 (Sebring), 67 (Valpariso), 95 (Bedford), 96 (Clinton-Newport), 99 (Decatur, Indiana), 107 (Seymour), 111 (Wabash), 126 (Morganfield), 148 (Adrian), 161 (Aberdeen, Mississippi), 183 (Wahoo-Fremont), 196 (Hobbs), 231 (Findlay-Fostoria), 236 (Mt. Vernon), 242 (Chickasha), 249 (Norman), 252 (Astoria), 259 (Chambersburg), 265 (Milton), 269 (Scranton-Wilkes Barre), 271 (Warren), 276 (Beaufort), 279 (Florence), 282 (Sumter), 294 (Murfreesboro), 301 (Bastrop, Texas), 304 (Bonham), 310 (Daingerfield), 313 (Dumas-Sunray), 334 (Brigham), 337 (Tooele-Wendover), 349 (Island County), and 350 (Pasco) are hereby revoked to add these areas to other defense-rental areas.

2. Item 40a (Ventura) is added and items 8 (Montgomery), 23 (Little Rock), 25 (Pine Bluff), 31 (Marysville-Yuba City), 33 (Modesto), 41 (Visalia-Tulare), 45 (Leadville), 46 (Pueblo), 62 (Panama City), 63 (Pensacola), 66 (Tampa), 91 (Rantoul), 97 (Columbus, Indiana), 100 (Evansville-Henderson), 101 (Fort Wayne), 106 (Muncie-Anderson), 109 (Terre Haute), 127 (Paducah), 151 (Jackson, Michigan), 164 (Columbus, Mississippi), 181 (Omaha), 194 (Carlsbad), 203 (Jamestown), 214 (Elizabeth City, North Carolina), 234 (Mansfield), 240 (Toledo), 250 (Oklahoma City), 256 (Portland-Vancouver), 260 (Emporium), 262 (Harrisburg), 272 (Williamsport), 277 (Charleston, South Carolina), 278 (Columbia, South Carolina), 292 (Knoxville), 295 (Nashville), 299 (Amarillo), 300 (Austin), 324 (Marshall), 329 (Sherman-Denison), 336 (Salt Lake City-Ogden), 348 (Everett), 354 (Walla Walla), and 355 (Charleston, West Virginia) are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(23) Little Rock [1]	Arkansas	Lonoke and Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Hot Spring and Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(25) Pine Bluff [1]	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Arkansas County and the Southern District of Prairie County consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(31) Marysville-Chico.	California	Sutter and Yuba	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	California	Butte	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(33) Modesto-Merced.	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(40a) Ventura	California	Ventura	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(41) Tulare-Kings	California	Kings and Tulare	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(45) Leadville-Salida	Colorado	Eagle, Lake, and Summit	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Colorado	Chaffee and Garfield	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(46) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(62) Panama City	Florida	Bay	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Franklin and Gulf	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Okaloosa	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Santa Rosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
(66) Tampa	Florida	Hillsborough, Pinellas, and Polk.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Highlands	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(91) Champaign-Vermilion.	Illinois	Champaign and Vermilion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(97) Columbus, Indiana.	Indiana	Bartholomew, Brown, Johnson, Morgan, and Shelby.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence and Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(100) Evansville-Henderson.	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(101) Fort Wayne	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(106) Anderson	Indiana	Huntington, Miami, and Wabash.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(127) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Ballard	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(151) Jackson, Michigan.	Michigan	Jackson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee and Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(164) Columbus, Mississippi.	Mississippi	Chickasaw, Clay, Itawamba, Lee, and Monroe.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Alabama	Lamar	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Lowndes	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
181) Omaha	Nebraska	Dodge and Saunders	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Pottowatamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(194) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Mexico	Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(203) Jamestown	New York	Chautauqua	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(214) Elizabeth City, North Carolina.	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(234) Mansfield	Ohio	Ashland, Crawford, and Richland.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Knox	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Seneca	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(250) Oklahoma City.	Oklahoma	Cleveland, McClain, and Oklahoma.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(256) Portland-Vancouver.	Oregon	Clackamas, Multnomah, and Washington.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Washington	Clark	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Oregon	Clatsop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Tillamook	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(260) Emporium	Pennsylvania	Cameron	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	Elk	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(262) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Franklin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Columbia, Montour, Northumberland, Snyder, and Union.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	In the County of Luzerne Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(277) Charleston, South Carolina.	South Carolina	Charleston and Dorchester.	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	South Carolina	Beaufort and Colleton	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(278) Columbia, South Carolina.	South Carolina	Calhoun, Lexington, and Richland.	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
	South Carolina	Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(299) Amarillo	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Dallam, Hansford, Hartley, Moore, and Sherman.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(300) Austin	Texas	Bastrop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Hays, Travis, and Williamson.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Camp, Cass, Morris, Red River, and Titus.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(329) Sherman-Denison.	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(336) Salt Lake City[1].	Utah	Davis, Morgan, Salt Lake, and Weber.	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Box Elder	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland.	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(355) Charleston, West Virginia.	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Magisterial District of Pocatalico.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

This amendment shall become effective August 1, 1943. This amendment shall not release or extinguish any penalty, duty, or liability incurred under the Rent Regulation for Housing.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12458; Filed, July 31, 1943; 2:48 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

Preamble: Hawaii was the first section of the United States to institute gasoline rationing. One day after the beginning of war, the motorists of Hawaii learned the effects that a sudden curtailment of transportation by the private automobile can have. The speed with which rationing was instituted necessarily meant that subsequent changes based on wider experience would have to be made, since it was more important at that time to cut the over-all consumption of gasoline than to provide for equitable distribution through detailed regulations. From that date to July 1, 1943, the regulations of the Military Governor first, and after March 10, 1943, those of the Office of Price Administration have approached the mainland system of rationing. The final step of adopting a Territory-wide modified form of mileage rationing is, therefore, only the logical culmination of the various rationing systems in effect on each island.

§ 1394.9205 *Rationing of gasoline in the Territory of Hawaii.* Under the authority vested in the Office of Price Administration and the Price Administrator of Executive Order 9125 issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1-Q of the War Production Board, issued January 24 and November 6, 1942, respectively, and under the authority vested in me by General Order No. 48 of the Price Administrator, issued March 5, 1943, this Ration Order 5F (Mileage Rationing: Gasoline Regulations for the Territory of Hawaii), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1394.9205 issued under Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1, 7 F.R. 562, Supp Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898.

RATION ORDER 5F—MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

ARTICLE I—SCOPE OF RATION ORDER NO. 5F

Sec.

1.1 Territorial limitations.
1.2 Scope of restrictions.
1.3 Effect of Ration Order No. 5F on outstanding rations.

ARTICLE II—DEFINITIONS

2.1 Definitions.

ARTICLE III—ADMINISTRATION, PERSONNEL AND JURISDICTION

3.1 Personnel.
3.2 Jurisdiction of Boards over issuance of rations.

ARTICLE IV—BASIC RATIONS

4.1 Basic rations.
4.2 Basic ration books.
4.3 Application for and issuance of basic rations.

ARTICLE V—SUPPLEMENTAL RATIONS

5.1 Supplemental rations.

Article I—Scope of Ration Order No. 5F

SECTION 1.1. *Territorial limitations.* The provisions of Ration Order No. 5F shall apply only in the island of Kauai of the Territory of Hawaii.

SEC. 1.2. *Scope of restrictions.* Nothing in this ration order shall be construed to limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States.

SEC. 1.3. *Effect of Ration Order No. 5F on outstanding rations.* (a) No provision of this order shall affect the validity or valid period of any ration issued pursuant to a gasoline ration order in effect on any of the islands of the Territory prior to the effective date of this order.

(b) All rations issued pursuant to any other gasoline ration order previously in effect in the Territory, which remain in effect beyond the effective date of this order, shall be subject to the same restrictions, prohibitions and conditions of use as though they were issued pursuant to this order.

Article II—Definitions

SEC. 2.1. *Definitions.* When used in Ration Order No. 5F:

"All-purpose family vehicle" means a pick-up truck of less than one-ton capacity if it is the only motor vehicle used for carrying passengers which is operated by an applicant and by all members of his household, and if it has regularly been used for family driving purposes.

"Board" means, as required by the context, one or more of the following types of organizations established by the Office of Price Administration: a war price and rationing board; a plant area board designated to serve the workers in specified military or naval establishments; or a commercial board designated to serve fleets of commercial motor vehicles and other specified vehicles or equipment operated by the same organization in a single county or island.

"Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

"Bulk transfer" means any transfer of gasoline other than into the fuel tank of a motor vehicle or into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

"Commercial account" means a consumer who controls gasoline storage facilities, and who is entitled to gasoline rations of 500 gallons or more per month.

"Commercial motor vehicle" means (1) a straight truck or truck-tractor; a station wagon used primarily for transporting material or equipment in the course of an occupation; and any motor vehicle (except a motorcycle) built or rebuilt primarily for the purpose of transporting property; but does not include an "all purpose family vehicle"; (2) any of the following motor vehicles used in the transportation of persons on the highway; a bus; an ambulance or hearse; a taxicab or jitney and any motor vehicle (except a motorcycle) available for public rental for periods of seven consecutive days or less; and (3) any other motor vehicle which is not a passenger automobile or motorcycle.

"Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

"Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline di-

rectly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

"Director" means the person acting as Director of the Office of Price Administration for the Territory of Hawaii.

"Distributor" means any person required to be licensed as a distributor under the Hawaiian Fuel Tax Act.

"Equipment" when reference is made to the registration of passenger-type tires, means any conveyance, other than a motor vehicle, designed for and capable of operation on one or more wheels, and any machinery in the operation of which wheels with mounted tires are used.

"Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term includes coupons, gasoline tickets issued by an issuing agent, inventory coupons, gasoline certificates and exchange certificates on OPA Form R–548 issued by a Board in return for other evidences received.

"Fleet" as applied to a passenger automobile or motorcycle, means that such vehicle is one of five or more passenger automobiles or of five or more motorcycles owned or leased by and used by the same person principally in connection with one or more related occupations or as applied to a commercial motor vehicle, that such vehicle is one of five or more commercial vehicles owned or operated by the same person.

"Gasoline" means any petroleum product either commonly known or sold as gasoline (including casinghead and natural gasoline) or having a flash point below 100° Fahrenheit (closed cup test, ASTM D–56–36), except:

Fuel oil as defined in Ration Order No. 11, naphthas, aromatics, synthetic rubber raw materials, solvents or specialties, not used or blended for use as fuel in internal combustion engines. Any quantity of the foregoing products which is used or blended for use as fuel in internal combustion engines shall be deemed to be gasoline when the product so used or blended is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D–56–36);

Any finished petroleum product having an octane rating of 85 or more (ASTM D–42T) or any component thereof used for the propulsion of aircraft. Any quantity of such a product which is used for a purpose other than the propulsion of aircraft shall be deemed to be gasoline when the product so used is commonly known or sold as gasoline or has a flash point below 100° Fahrenheit (closed cup test, ASTM D–56–36), and

Liquefied petroleum gases, regardless of use.

"Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

"Inventory coupon" means a one-gallon or one-hundred-gallon-coupon issued by a Board to represent unfilled storage capacity of a dealer, or for such other purpose as may be provided in this Order.

"Issuing agent" means any person or organization other than a Board, authorized by the Director to issue gas tickets and other rations under such conditions as he may consider appropriate.

"Issuing Board" means the Board which issued a particular gasoline ration.

"Motorcycle" means any rubber tired motor vehicle designed for highway operation on three wheels or less.

"Motorcycle tire" means any tire designed primarily for use on a motorcycle.

"Motor vehicle" means any self-propelled conveyance the motive power for which is furnished by an internal combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

"Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

"Motor vehicle rental agency" means any person engaged in the business of renting or leasing motor vehicles to others.

"Mounted" as applied to a tire, means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted, but not in excess of one tire for each wheel and one spare for each motor vehicle.

"Non-highway use" means any use of gasoline other than for the propulsion of a registered motor vehicle, a commercial motor vehicle or for the operation of machinery or equipment mounted on a commercial motor vehicle.

"Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

"Occupational mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

"Official" as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is owned or leased by a federal, territorial, local or foreign government or government agency, other than by the armed forces of the United States.

"Organized transportation plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the consent of management and labor for the purpose of transporting, with a minimum use of tires, all workers who require automobiles for transportation to and from their work.

"Passenger automobile" means any motor vehicle built primarily for transporting persons on the highways which is not a commercial motor vehicle or a motorcycle; and any "all purpose family vehicle".

"Passenger-type tire" means any tire designed primarily for use on a passenger automobile.

"Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

"Ration" as the context requires, means either a right to acquire and use gasoline which is evidenced by coupons or certificates issued by a board on the basis of an application, or the amount of gasoline acquired in exchange for such coupons or certificates.

"Ration book" means any gasoline coupon book issued pursuant to Ration Order No. 5F.

"Registered" as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or the Territory.

"Scrap" as applied to a tire, means incapable of being repaired for use.

"Serial number" means the serial number either on the sidewall or on the inner surface of a tire and the brand name or, if there is no number, the brand name alone.

"Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

"Transfer", as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

"Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

Article III—Administration, Personnel and Jurisdiction

SEC. 3.1 *Personnel.* (a) Ration Order No. 5F shall be administered by the Office of Price Administration through its Boards and other administrative personnel as it may select. The persons appointed to administer this order shall have the powers and duties set out herein, and as the Office of Price Administration may from time to time delegate.

(b) The persons referred to in paragraph (a) may be assisted in the issuance of rations by persons appointed to act as registrars and issuing agents.

SEC. 3.2. *Jurisdiction of Boards over issuance of rations.* (a) For purposes of Ration Order No. 5F, a Board, other than a plant area board or a commercial board, shall have jurisdiction over:

(1) The issuance of rations for all motor vehicles normally stationed or garaged in the area which the Board is designated to serve. Rations for fleet or official passenger automobiles may, at the option of the applicant, be issued by the Board having jurisdiction of the area in which an office is maintained for directing the operations of the vehicles.

(2) The issuance of non-highway rations for all uses performed in the Board's area.

(b) A plant area board shall have jurisdiction over the issuance of rations for the vehicles of workers employed in the establishment which the board serves.

(c) A commercial board shall have jurisdiction over the issuance of rations for operators of fleets of commercial motor vehicles in the county or island which it has been designated to serve.

(d) A Board may not issue a ration for a vehicle to an applicant who has already received a ration for the same vehicle from another Board, unless he has changed his residence or employment and has thereby left the area or the plant served by the Board which issued him a ration. No person may receive or use a ration issued by a Board which does not have jurisdiction over its issuance.

(e) The Director may use issuing agents for granting temporary or emergency rations and for the first issuance of all rations under this order. Rations granted by an issuing agent may be reviewed, revoked in whole or in part, or increased by the Board having jurisdiction over the vehicle.

Article IV—Basic Rations

SEC. 4.1. *Basic rations.* A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle for the period beginning with the effective date of this order, or the date of issuance of the ration, whichever is later, and ending with the last day of the eighth calendar month (in the case of passenger automobiles) or the twelfth calendar month (in the case of motorcycles) from the effective date of this order. No basic ration, however, shall be issued for use with a passenger automobile or motorcycle which is:

(a) Owned or leased by a Federal, Territorial, local or foreign government or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale; or

(d) A passenger automobile available for public rental.

SEC. 4.2. *Basic ration books.* Class A and Class D books marked "basic", shall be issued as basic rations. Class A books are issued for passenger automobiles and Class D books for motorcycles. Each book will originally contain thirty-two (32) coupons. Each coupon in a basic ration book has a value of one unit. Coupons in Class A books shall be valid for the transferring of gasoline to a consumer during the periods indicated below.

Coupons numbered:	*Valid period*
3__	July 1 through August 31, 1943
4__	September 1 through October 31, 1943
5__	November 1 through December 31, 1943
6__	January 1 through February 29, 1944

For any island on which the effective date of this order is later than July 1, 1943, the valid period for each numbered coupon shall be postponed for the number of months by which the effective date is later than July 1, 1943. Coupons in basic Class D books shall be valid for the transfer of gasoline to a consumer for a period of twelve calendar months after the date upon which this order becomes effective on each island.

SEC. 4.3 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on OPA Form R–534. The period of time during which basic rations may be issued by issuing agents may be extended by the Office of Price Administration, its Boards or such other administrative personnel as it may select. Thereafter, applications shall be made to a Board. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be personally signed by the registered owner of the vehicle for which the ration is sought. If he is physically unable to sign, or is outside the Board's jurisdiction, the Board may accept an application signed by his authorized agent.

(c) Each applicant for a basic ration shall state on his application:

(1) The serial numbers of all tires mounted (including one spare) on the vehicle for which application is made;

(2) The number and serial numbers of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle or by any person related to him and living in his household, in excess of those mounted on motor vehicles or equipment (including one spare per motor vehicle) which are capable of being used.

(i) The applicant should not list tires which he holds for resale or as a scrap dealer for the purpose of reclaiming or otherwise processing them.

(3) The speedometer reading of his vehicle as of the date of application.

(d) A basic ration shall not be issued to an applicant unless he agrees in writing to sell his excess passenger-type tires to any government agency, to any dealer or to any person whenever required to do so by the Office of Price Administration. He shall be required to sell, however, only if the purchaser offers to pay him the maximum price established by the Office of Price Administration for the tire.

(e) A Board or issuing agent shall remove from any Class A book which it issues all expired coupons and one currently valid coupon for each full eight days which have elapsed in the valid period during which the book is issued. A Board or issuing agent shall remove one coupon from a basic D Book for each full eight days which have elapsed since the effective date of this order.

Article V—Supplemental Rations

SEC. 5.1. *Supplemental rations.* (a) The following coupon books may be issued by a Board as supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in section 5.2), to provide for occupational mileage driven in such vehicle by anyone.

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "supplemental" for use with motorcycles.

(b) When issued as a supplemental ration, Class B books shall contain 16 coupons, and Class C and D books shall contain the number of coupons specified in the tables set forth in section 5.5, necessary to provide the mileage allowed by the Board.

(c) Applicants for supplemental rations are deemed to have 75 miles per month of occupational driving available by using their basic rations; and supplemental rations may only be issued to provide occupational mileage allowed by a board in excess of 75 miles per month. The applicant may not deduct the 75 miles in stating his required occupational mileage since the deduction is automatically made when the Board applies the tables set forth in section 5.5, under which supplemental rations are issued.

SEC. 5.2. *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* Supplemental rations may not be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued.

SEC. 5.3. *Application for supplemental ration.* (a) Application for a supplemental ration may be made on OPA Form R–535. The application must be signed by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. An individual's application may not be signed by an agent. A separate application must be made for each vehicle.

(b) An applicant shall establish the average monthly occupational mileage driven within the Territory and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) When two or more passenger automobiles are owned by relatives living in the same household, all applications for supplemental rations for the vehicles shall be submitted at the same time. When two or more vehicles are used in a ride-sharing arrangement, separate applications shall be made for each vehicle. Each application shall include only the mileage driven in that vehicle and, if the vehicles are all in one Board's jurisdiction, they must all be submitted to it at the same time. If the vehicles are within the jurisdiction of different Boards, each

application must be accompanied by duplicate copies of the applications of the other vehicles used in the ride-sharing arrangement.

SEC. 5.4. *Allowance of mileage.* (a) Occupational mileage shall be allowed by a Board for an allowed occupational purpose if the applicant establishes, either:

(1) That a bona fide ride-sharing arrangement has been made by which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from, or carrying on their occupations and that transportation is needed for such purpose; *Provided,* That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made, but that the vehicle carries as many persons as could be expected in the light of the circumstances in which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or over-crowded conditions, by reason of the physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reason as the Board may find sufficient.

(iii) If the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, construction, industrial, military or naval establishment at which more than 100 persons are employed, an application for a ration to be used for transporting the applicant to and from such place of employment must be certified to by an official in charge of an organized transportation plan at such establishment. The Office of Price Administration may postpone the requirements of this paragraph until such establishments have had an opportunity to set up their organized transportation committees.

(iv) An application for a supplemental ration for a vehicle used in connection with a non-gainful occupation must be certified to by a responsible official of the organization, for which the work is being performed.

(b) Upon the basis of the application and other facts that the Board may require, the Board shall allow mileage for any of the allowed occupational purposes, with respect to which the applicant has established the facts required by paragraph (a). The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) for which the applicant has established the inadequacy of alternative means of transportation. The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for a three-months period and shall issue a supplemental ration to provide such mileage. The Board may not allow an average of more than 395 miles per month, for any occupational mileage other than for "preferred mileage" as defined in section 5.6 or for additional mileage allowed under section 5.7.

(c) A Board having jurisdiction over an area which has been determined by the Director to be adequately served by public transportation, shall allow mileage claimed with respect to which a ride-sharing arrangement has been made, only if the applicant establishes that the available public transportation would not be reasonably adequate for the purpose for which the mileage is claimed.

(d) The Board shall deduct from the mileage it allows for a passenger automobile 75 miles per month for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any relative living in his household, if the Board finds that such automobile is available to and adequate for the use of the applicant. An automobile is not available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor is it available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance has been reduced on account of such automobile.

SEC. 5.5 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with sections 5.4 or 5.7.

(1) For a passenger automobile:

(i) For mileage of 395 miles per month or less; one Class B book having the valid period specified in Table I for the mileage allowed;

(ii) For mileage exceeding 395 miles per month; one or more Class C books bearing expiration dates three months from the date of issuance and containing the number of coupons specified in Table II for the mileage allowed.

(2) For a motorcycle: One or more Class D books marked "Supplemental," bearing expiration dates three months from the date of issuance and containing the number of coupons specified in Tables 1 or 2 to provide the mileage allowed by the Board.

(b) The Board shall remove and cancel all coupons in Class C or D books in excess of the number to be issued.

(c) For the purposes of paragraph (a), a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

TABLE I*—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with allowed mileage of more than 75 but not more than 395 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage:	*Months*	*Weeks*
0–75	No B Book	---
76–155	12	---
156–171	10	---
172–195	8	---
196–212	7	---
213–235	6	---
236–249	5	2
250–267	5	---
268–288	4	2
289–315	4	---
316–331	3	3
332–349	3	2
350–370	3	1
371–395	3	---

*To be used only for vehicles entitled to basic rations.

MOTORCYCLES

Allowed mileage:	*Number of coupons*
0–75	No Supplemental "D" book
76–95	2
96–115	3
116–135	3
136–155	4
156–175	5
176–195	6
196–215	7
216–235	8
236–255	9
256–275	10
276–295	11
296–315	12
316–335	13
336–355	14
356–375	15
376–395	16

TABLE II*—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 395 miles per month]

PASSENGER AUTOMOBILES OR MOTORCYCLES

Allowed mileage in excess of 395 miles per month must be preferred mileage.	*Number of coupons (class "C" or supplemental class "D" book)*
396–415	17
416–435	18
436–455	19
456–475	20
476–495	21
496–515	22
516–535	23
536–555	24
556–575	25
576–595	26
596–615	27
616–635	28
636–655	29
656–675	30
676–695	31
696–715	32
716–735	33
736–755	34
756–775	35
776–795	36
796–815	37
816–835	38
836–855	39
856–875	40
876–895	41
896–915	42
916–935	43
936–955	44
956–975	45
976–995	46
996–1015	47
1016–1035	48

*To be used only for vehicles entitled to basic rations.

NOTE: In the event allowed mileage exceeds 1,035 miles, one additional coupon shall be

issued for each 20 miles or fraction thereof, of allowed mileage in excess of 1,035 miles.

Additional books may be issued if necessary to provide additional coupons.

SEC. 5.6. *Preferred mileage.* Mileage driven in a passenger automobile or motorcycle and necessary for carrying out one or more of the following purposes is "preferred mileage:"

(a) By a duly elected or appointed agent, officer, representative or employee of a Federal, Territorial, local or foreign government or government agency, for performing the official business or carrying out an official function of such government or agency; or by a duly authorized official, employee, agent, or representative performing the official business of the American Red Cross or its Hawaiian Chapter, either in a passenger automobile or motorcycle which it owns or leases, or in one not so owned or leased if compensation is paid by the American Red Cross or its Hawaiian Chapter for the performance of such business and for the use of such passenger automobile or motorcycle; *Provided,* That

(1) No Board (unless otherwise instructed by the Office of Price Administration) shall allow preferred mileage to any agent, representative or employee of a Federal, Territorial, local or foreign government or government agency for carrying on the official business of such government or government agency (other than mileage to be driven in an official or fleet vehicle) unless the application has been certified by an officer of such government or agency who is empowered to authorize or to supervise travel by the applicant.

(2) Daily or periodic travel between home and a fixed place of work shall not (except as provided in subparagraph (3)) be deemed performance of official business or carrying out an official function.

(3) Travel by a member of a war price and rationing board between home and the place at which such Board conducts its business, or travel by a member of a Selective Service Board, an appeal agent or a member of an Appeal Board of the Selective Service System between home and the place at which the business of the Selective Service System is conducted, shall be deemed the performance of official business.

(b) By a school teacher or school official for performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers or school employees to or from regular places of study, if alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For necessary driving in maintaining the wholesale distribution system of newspapers or magazines. Driving necessary for the retail delivery of newspapers may be included only to the extent that it can be made without deviating from the wholesale route, and only if it is incidental to the wholesale delivery. The applicant must present a statement from the circulation manager of the newspaper by which he is employed, setting forth:

(1) The area in which the applicant is engaged in maintaining such distribution system;

(2) The minimum monthly mileage required by the applicant for such purpose; and

(3) The steps that he has taken to reduce the applicant's driving to the lowest possible mileage consistent with the effective wholesale distribution of the newspaper.

(f) For the transportation of non-portable photographic or sound-on-film equipment, for taking pictures for use in newsreels, newspapers or magazines, or for industrial or government use, by a person regularly engaged in such activity.

(g) By a physician for making necessary professional calls or for travel between offices maintained by him.

(h) By a farm veterinary for rendering professional services.

(i) By a public health nurse employed by or serving under the direction of a clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls.

(j) By a practicing minister of any religious faith who is serving a congregation, to enable him to meet the religious needs of his congregation, but not to go from home to place of worship; by a practicing minister serving more than one congregation to enable him to travel to the churches he serves; by a practitioner for rendering services to members of an organized religious faith, but not for travel from home to place of worship.

(k) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(l) By the following persons for these purposes:

(1) An employer or employer's organization for the transportation of farm workers to, from or between their places of employment; or

(2) An engineer or technician for transportation between home and a radio broadcasting transmission station, or other permanent facilities for radio broadcasting; or

(3) An engineer or technician for the transportation of non-portable equipment to and from temporary installations for radio broadcasting, if no alternative means of transportation are adequate.

(m) By a worker, including executives, technicians or office workers (but excluding a member of the armed forces or a person engaged in promotional, merchandising or sales activities) for necessary travel to and from the establishments listed below:

(1) Naval, military or hospital establishments;

(2) Establishments of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas or water; or of irrigation, drainage, flood control, or sanitation systems; or of telephone, telegraph, radio-telegraph or radio-telephone (but not radio broadcasting) systems;

(3) Industrial and agricultural establishments which are essential to the war effort;

(n) By an authorized agent of government, management or labor for travel necessary to recruit or train workers listed in paragraphs (l) or (m) of this section, or for travel to and from the establishments or facilities listed in paragraph (m) in order to maintain peaceful industrial relations.

(o) By an engineer, architect, technician, construction worker, repair or maintenance man who requires the use of a passenger automobile or motorcycle for performing, or for transporting materials or equipment necessary to perform construction work; or by any of the above persons to travel from one place to another (but not from home to a fixed place of work) for performing or for transporting materials or equipment necessary to perform any of the following services: installation, maintenance or repair services or the extermination of vermin; or by a person who requires the use of a passenger automobile or motorcycle to travel from place to place (but not from home to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in paragraph (m). Preferred mileage may not be allowed to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices (other than non-portable motion picture equipment) or of portable household equipment or furniture, or for landscaping.

(p) By members of the armed forces of the United States for necessary transportation between home and post of duty, or on official business where no military vehicle is available. The applicant must present a statement from his Commanding Officer which sets forth the following:

(1) The mileage sought is for necessary transportation between home and post of duty; or on official business;

(2) No adequate quarters can be provided for the applicant at his permanent post of duty or that the applicant's duties require frequent travel on official business;

(3) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and

(4) The Commanding Officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible.

(q) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person regularly engaged in that business.

(r) By a full-time social worker employed by a bona fide non-profit agency for necessary travel in carrying out the work of the agency (but not from home to a fixed place of work). The applicant must present a statement from a responsible official of the agency which sets forth;

(1) That the mileage sought is for travel necessary to the proper functioning of the agency;

(2) That the agency is either licensed by the appropriate governmental authority, or is endorsed by the local Community Chest.

(s) By a full time reporter employed by a press association or newspaper, for necessary travel in gathering news on regular assignments.

SEC. 5.7 *Additional mileage allowance.* (a) In any case where an applicant is not eligible for "Preferred mileage" for driving between home and a fixed place or places of work, and more mileage is required for such driving than 395 miles per month, the Board, upon approval of the Director, may allow additional mileage in excess of such maximum, to the extent required for such driving. No mileage may be allowed in such case for driving in the course of work, unless the driving consists of "Preferred mileage."

(b) An applicant for additional mileage under this section must establish by clear and convincing proof that:

(1) Such driving is between home and a fixed place or places of work, in connection with his principal occupation or that of the person entitled to the use of the vehicle;

(2) A bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) are regularly carried in the vehicle for the purpose of going to and from their occupations, or that no such ride-sharing arrangement is practical but that the vehicle carries as many persons as could reasonably be expected under the circumstances, and

(3) There are no adequate alternative means of transportation.

(c) If the applicant meets the requirements of this section, the Board may issue a ration which includes the additional mileage claimed by the applicant. It shall then forward the application and a statement giving the reason for its action to the Director. The Director shall pass upon the application and the Board's action and may either confirm the Board's decision or direct it to revoke the ration issued within a specified number of days, if in his opinion, the applicant has not satisfactorily met the requirements of this section.

Article VI—Official and Fleet Rations For Passenger Automobiles and Motorcycles

SEC. 6.1 *Official and fleet rations for passenger automobiles and motorcycles.* (a) The following coupon books and coupons, for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, Territorial, local or foreign government or government agency (other than by the armed forces of the United States) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of section 6.2 to the extent that such mileage is allowed in accordance with section 6.4:

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "official" or "fleet" for use with motorcycles;

(3) Bulk coupons issued pursuant to section 10.7 (a);

(4) A gasoline certificate issued pursuant to section 10.7 (b).

(b) When issued as an official or fleet ration, Class B books shall contain 16 (sixteen) coupons, and Class C and D books shall contain the number of coupons specified in the tables set forth in section 6.5, necessary to provide the mileage allowed by the Board. Coupons contained in the books shall authorize the transfer of gasoline to consumers only during the valid period of the book as noted thereon. Class B rations and books shall be valid only during the period ascertained under section 6.5. Class C and official or fleet Class D rations and books shall be valid during a period of three months commencing on the date of issuance.

SEC. 6.2 *Persons entitled to official or fleet rations.* (a) The owner or the person entitled to the use of an official motor vehicle may obtain an "official" ration and the owner or the person entitled to the use of a passenger automobile or motorcycle which is part of a fleet may obtain a "fleet" ration providing for occupational mileage to the extent allowed by a Board.

(b) Official or fleet rations shall not be issued for a passenger automobile or motorcycle held for sale by a motor vehicle dealer. Fleet rations shall not be issued for use with a passenger automobile available for public rental for seven consecutive days or less.

SEC. 6.3. *Application for official and fleet rations.* (a) Applications for official and fleet rations shall be made to a Board on OPA Form R-551. An application may cover one or more vehicles and may be signed by an agent. An applicant shall establish the average monthly occupational mileage within the Territory required for each vehicle covered in the application, or required for each of a group of vehicles used interchangeably for carrying on the same or related occupations during the three-month period for which the ration is required.

(b) Each applicant for a fleet ration shall state:

(1) The serial numbers of all tires mounted (including one spare) on the vehicle for which application is made;

(2) The number and serial numbers of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle, in excess of those mounted on motor vehicles or equipment (including one spare per motor vehicle) which are capable of being used.

(i) The applicant should not list tires which he holds for resale or as a scrap dealer for the purpose of reclaiming or otherwise processing them.

(c) No fleet ration shall be issued to an applicant unless he agrees in writing to sell his excess passenger-type tires to any agency of the government, to any tire dealer, or to any other person whenever requested to do so by the Office of Price Administration. He shall be required to sell, however, only if the purchaser offers to pay him the maximum price for the tire as established in price schedules of the Office of Price Administration.

SEC. 6.4. *Allowance of mileage.* (a) No occupational mileage shall be allowed by a Board unless the applicant establishes either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of section 5.4; or

(2) That a bona fide ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations, and that transportation is required for such purposes. The names and addresses of all persons (other than the drivers of the vehicles) who are participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application.

(b) Subject to the provisions of paragraph (a), the Board shall allow the total average occupational mileage per month determined by it to be required for driving during the three-month period beginning with the date on which the ration is required, and shall issue a ration in accordance with the provisions of section 6.5, to provide such mileage. No Board may allow an average of more than 395 miles per month for any vehicle nor any average of more than 395 miles per month per vehicle for any group of vehicles for any occupational mileage other than "preferred" mileage.

SEC. 6.5. *Issuance of fleet and official rations.* (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board.

TABLE III*—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of not more than 395 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage:	*Valid period of "B" book in months and weeks* Months	Weeks
0–80	12	---
81–106	3	---
107–137	7	---

*To be used only for official or fleet passenger automobiles and motorcycles and specified passenger automobiles and motorcycles not entitled to basic ration.

Allowed mileage:	*Valid period of "B" book in months and weeks* Months	Weeks
138–160	6	---
161–174	5	2
175–192	5	---
193–213	4	2
214–240	4	---
241–256	3	3
257–275	3	2
276–295	3	1
296–320	3	---
321–349	2	3
350–375	2	2
376–395	2	1

MOTORCYCLES

Allowed mileage:	*Number of coupons to be issued in official or Fleet class "D" book*
0–20	1
21–40	2
41–60	3
61–80	4
81–100	5
101–120	6
121–140	7
141–160	8
161–180	9
181–200	10
201–220	11
221–240	12
241–260	13
261–280	14
281–300	15
301–320	16
321–340	17
341–360	18
361–380	19
381–395	20

TABLE IV*—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of more than 395 miles per month]

PASSENGER AUTOMOBILES AND MOTORCYCLES

Allowed mileage:	*Number of coupons in official or fleet class "C" or "D" book*
396–420	21
421–440	22
441–460	23
461–480	24
481–500	25
501–520	26
521–540	27
541–560	28
561–580	29
581–600	30
601–620	31
621–640	32
641–660	33
661–680	34
681–700	35
701–720	36
721–740	37
741–760	38
761–780	39
781–800	40
801–820	41
821–840	42
841–860	43
861–880	44
881–900	45
901–920	46
921–940	47
941–960	48

*To be used for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic ration.

In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 960 miles. Additional books may be issued if necessary to provide additional coupons.

(1) For a passenger automobile:

(i) For mileage of 395 miles per month or less: Class B Books having the valid period specified in Table III for the mileage allowed;

(ii) For mileage exceeding 395 miles per month: Class C books bearing expiration dates three months from the date of issuance, and containing the number of coupons specified in Table IV for the mileage allowed.

(2) For a motorcycle: Class D books marked "fleet" or "official", bearing expiration dates three months from the date of issuance and containing the number of coupons specified in Tables III or IV to provide the mileage allowed by the Board.

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued.

(c) For the purposes of paragraph (a), a passenger automobile is conclusively presumed to operate 15 miles and a motorcycle 40 miles, per gallon of gasoline.

(d) No fleet ration shall be issued by a Board unless the registered owner of the vehicle or vehicles for which such ration is required or his responsible agent has made the certification as to the ownership of excess tires required by section 6.3.

SEC. 6.6. *Interchangeable official or fleet ration books.* An applicant for an official or a fleet ration may request the Board to note on the ration books issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Any book on which such an identification is noted may be used interchangeably for all official or fleet vehicles bearing the same identification.

SEC. 6.7. *Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental.* (a) The lessee of a passenger automobile or motorcycle available for public rental who has leased the vehicle for more than seven consecutive days may apply for a ration for use with such vehicle, to provide solely for the occupational mileage to be driven during the term of the lease.

(b) The applicant shall establish the average monthly occupational mileage required for the vehicle, or required for each group of such vehicles used interchangeably for carrying on the same or related occupations, during the three-month period beginning with the date on which the ration is required, or during the remaining term of the lease, whichever is less. The application shall be made on OPA Form No. R-551.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for the vehicle in the manner provided in section 6.4. The Board shall note on the cover of the book the name and address of the person to whom the ration is issued, and shall note both on the book and the application the date on which it expires. If the time of the lease remaining from the date of issuance of the ration is less than the valid period of the ration as determined in accordance with the provisions of section 6.5 (a), the Board shall issue a ration containing sufficient coupons for allowed mileage for the remainder of the lease, and shall remove all excess coupons from the ration book issued. In such case the expiration date of the ration shall be the date on which the lease terminates.

SEC. 6.8. *Rations for official mileage of policemen.* (a) Notwithstanding any other provisions of this order, any County Police Department which maintains its own gasoline storage facilities and which permitted its policemen (both regular or reserve) to draw gasoline from such facilities for their own passenger automobiles or motorcycles for official mileage prior to July 1, 1943, may include in its application for an official ration all mileage driven in the course of its business, if it meets these requirements:

(1) The Police Department shall substantiate the claimed official travel of its policemen by odometer readings taken at the beginning and end of each daily period of driving in the course of official business. Driving from home to official station shall not be considered as official travel.

(2) The Police Department shall keep records showing the number of miles driven by each policeman monthly and the number of gallons he received from its storage facilities. These records shall be available for inspection by personnel of the Office of Price Administration at any time.

(b) A County Police Department which meets the requirements of paragraph (a) may continue to transfer gasoline from its storage tanks to policemen's automobiles for official mileage.

(c) Policemen who use their own passenger automobiles or motorcycles for driving on official business for a County Police Department which has met the requirements of paragraph (a), shall not include any mileage so driven when making their own applications for supplemental rations.

Article VII—Transport Rations

SEC. 7.1. *Transport rations.* Transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles. Transport rations shall be issued for use during fixed three-month periods, the first of which shall begin on the effective date of this order.

SEC. 7.2. *Persons entitled to transport rations.* The owner or the person entitled to the use of a commercial motor vehicle may obtain a transport ration for the number of gallons of gasoline required for the operation of the vehicle in the most efficient and economical manner, during the three-month period in which the ration is to be used.

SEC. 7.3. *Transport ration books.* (a) Except as provided in paragraphs (b) and (c), Class T–1 and T–2 coupon books shall be issued as transport rations. Coupons in these books shall each have a value of one unit. The coupons in a transport ration book authorize the transfer of gasoline to a consumer only during the periods noted thereon.

(b) Gasoline certificates on OPA Form TH R–568 shall be issued as transport rations to commercial accounts.

(c) The Director may authorize Boards to issue other types of coupons or tickets for the first three-month period in which transport rations are issued.

SEC. 7.4. *Application for transport rations.* Application for a transport ration shall be made on OPA Form THR–536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either. A single application may be used for all vehicles for which the applicant seeks a transport ration.

SEC. 7.5. *Issuance of transport rations.* (a) The Board shall issue Class T–1 or T–2 books, gasoline certificates, or when authorized to do so, other types of gasoline coupons or tickets as a temporary transport ration, in sufficient numbers to provide the number of gallons of gasoline allowed.

(b) The Board shall, when issuing T–1 or T–2 books, remove and cancel all coupons in excess of the number required to supply the gallonage allowed, and coupons representing the amount of gasoline which may have been issued as a temporary transport ration during the applicable three-month period.

(c) The applicant may be issued bulk coupons at his request, for all or part of the gallonage allowed him if he can meet the requirements of section 10.7 (Authorization for bulk purchase).

SEC. 7.6. *Transportation for equipment mounted on commercial motor vehicles.* An applicant for a ration for use with a commercial motor vehicle upon which machinery or equipment is permanently attached which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a transport ration the amount of gasoline needed for the operation of the machinery or equipment during the same period. The Board shall include in the transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate the machinery or equipment during such period.

SEC. 7.7. *Interchangeable transport ration books.* An applicant for a transport ration for use with fleet vehicles may request the Board to note on the books issued, a name or other identifying mark in lieu of the registration number of a particular vehicle. The Board may grant the request for all vehicles which are used interchangeably if the name or other identifying mark is clearly discernable on each of the vehicles. Any book on which a fleet identification is noted may be used interchangeably for all vehicles in the fleet bearing the same identification.

Article VIII—Special Rations

SEC. 8.1. *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle or motorboat who needs transportation for one of the purposes specified in paragraphs (b) or (c), and whose rations issued for such vehicle or boat are not already sufficient for that purpose, may apply for a special ration. An application on behalf of an individual may not be signed by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations for use with a passenger automobile or motorcycle may be issued for one or more of the following purposes:

(1) To obtain necessary medical attention or therapeutic treatment or to procure necessary food or supplies;

(2) To transport a person who is called or is serving as a juror, between his home and the place where he is required to be present for jury service;

(3) To carry persons to and from the polls for the purpose of voting at elections; to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes necessary to the prosecution of his candidacy;

(4) To carry a person delivering telephone directories. The applicant must present a statement from the telephone company or from the delivery contractor if one is employed, setting forth:

(i) That there is no practicable means of delivery except by use of passenger automobiles or motorcycles;

(ii) The minimum mileage necessary to be driven by the applicant for making such delivery.

(c) Special rations for use with any motor vehicle or motorboat may be issued for one or more of the following purposes:

(1) To operate a vehicle or boat held by a dealer, for demonstrating it to prospective purchasers. The maximum ration that may be granted for this purpose is five gallons per month for each vehicle or boat.

(2) To move a vehicle or boat to a place of storage on repossession, or on seizure by a government authority;

(3) To deliver a vehicle or boat after a bona fide sale or pursuant to a bona fide lease of three months or longer;

(4) To move a vehicle or boat between sales establishments or places of storage. The maximum ration that may be granted for this purpose is five gallons per month for each vehicle or boat.

(d) Applications shall be made on OPA Form R–552 and the application shall state, in addition to such other information as may be required:

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which the ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1), the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose;

(5) The number of miles of driving or, in the case of a boat, the amount of gasoline claimed to be essential to the accomplishment of the purposes stated, during the period for which the special ration is needed.

SEC. 8.2. *Form and issuance of special rations.* If the board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for acomplishment of the purpose stated, from the date of its decision to the end of the period (not exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which is so issued. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

Article IX—Non-highway Rations

SEC. 9.1. *Person entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a ration for the amount of gasoline needed for such purpose, except as provided in section 9.4. Non-highway rations shall be issued for any period up to six months from the date of application.

SEC. 9.2. *Non-highway ration books.* Class E and Class R coupon books shall be issued as non-highway rations. The coupons in these books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the period noted on such books by the Board.

SEC. 9.3. *Application for non-highway ration.* Application for a non-highway ration shall be made on OPA Form R–537, except that an operator of commercial motor vehicles shall apply for all his non-highway (except marine) requirements on OPA Form TH R–536. Application may be signed by an agent.

SEC. 9.4. *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the three-month period for which application is made and shall issue one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the appli-

cant to acquire the amount of gasoline determined to be necessary for such period. The Board shall remove from the book and cancel any coupons in excess of the number allotted.

(b) A Board may refuse to issue a ration for the operation of machinery or equipment (other than boats or airplanes) used for athletics, recreational or amusement purposes, if in its opinion, taking into consideration the gasoline supply available, the use of gasoline for such purposes is not important to the welfare of the Territory.

(c) If the application is made for a non-highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) For an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but in any event not more than one hundred twenty-five (125) gallons for the three-month period of the ration;

(2) For an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of twenty (20) gallons for the three-month period of the ration.

The Board shall, in such case, issue a separate book for the non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on the book that it is issued for a non-occupational purpose. Non-occupational uses shall include the use of a motorboat or outboard motor for sightseeing, guiding pleasure parties or conducting or chartering boats for fishing parties other than commercial fishing.

(d) If application is made for a non-highway ration for operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or an inboard motorboat) the board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

Article X—General Provisions with Respect to Issuance of Rations

SEC. 10.1. *Issuance of ration books by the Office of Price Administration.* (a) Coupon books of all types designated in this order may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of these agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) which requires coupon books for use by its officers, agents or employees, shall make written application therefor to the Director at Honolulu, T. H., and shall state the number and type of books required, and the use for which the books are intended.

SEC. 10.2. *Appearance before boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

SEC. 10.3. *Presentation of registration certificate.* No basic or special ration shall be issued for any motor vehicle unless a registration certificate authorizing the operation of the vehicle during all or part of the period for which the ration is to be issued, is presented to the issuing agent or the Board.

SEC. 10.4. *Notation on registration certificates.* The person issuing a basic or special ration shall make a clear notation on the back of the motor vehicle registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued.

SEC. 10.5. *Notation on ration books, applications and coupons.* (a) The person issuing any ration book for a registered or a commercial motor vehicle shall, unless an official or a fleet identification is used, note the registration number, if any, of the vehicle for which it is issued, and the name and address of the owner of the vehicle. The Board shall make a notation on the cover of the book (other than the basic ration) and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) At the time of issuance of a non-highway ration book, the Board shall note on the book the name and address of the applicant and the period during which the book will be valid. The valid period shall also be noted on the application.

(c) The person to whom a ration book is issued for use with a motor vehicle (other than an interchangeable book issued for an official or a fleet vehicle) shall note on the face of the book in the space provided therefor, the serial number of the Use Tax Stamp, if any, issued for such vehicle.

SEC. 10.6. *Change in motor vehicle registration number.* (a) The holder of a ration book issued for a registered motor vehicle (other than a ration book bearing an official or a fleet identification) shall, upon any change in the registration number of the vehicle, submit his ration book to a Board for the purpose of having the notation changed to correspond to the new registration number. The book shall be submitted to the Board within five days after the change in the registration number; the registration card showing the new number shall be presented with the book. The Board shall obliterate the registration number appearing on the book and note thereon the new registration number issued for the vehicle. Notation of the new registration card shall also be made as prescribed in section 10.4. The notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing an official or fleet identification shall, upon any change in the name, identification or designation of the vehicles, submit the book to the Board which issued it for appropriate modification. The Board shall change the designation on the book to correspond with the new name, identification or designation of the vehicles.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

SEC. 10.7. *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of the Board that he maintains gasoline storage facilities may request the Board to issue his rations in bulk coupons or partly in bulk coupons and partly in coupon books. He may request the Board to note on any coupon books issued to him that they may be used for bulk transfers.

(b) The Board may issue gasoline certificates to a commercial account to the extent of the gallonage it has allowed.

(c) Before issuing any bulk coupons or gasoline certificates, the Board shall first determine the type, number and expiration dates of the rations to which the applicant is entitled. It shall then issue bulk coupons or gasoline certificates (depending on what the applicant is entitled to) having a gallonage value equal to the value of the coupons to which the applicant is entitled and in lieu of which the evidences for bulk transfer are being issued. Bulk coupons and gasoline certificates shall expire on, and may not be used for the transfer of gasoline to a consumer, after the date on which the coupon books would expire. Transfers on bulk coupons may be made either by a dealer or a distributor; transfers on a gasoline certificate may be made only by a distributor.

(d) At the time of issuance of any 100 gallon bulk coupons (Form OPA R–553A) the person issuing the coupons or the applicant in the presence of the issuing officer shall write or stamp on the back of each coupon the name and address of the applicant and the date upon which the ration expires.

(e) Any person to whom coupon books authorized for bulk transfer, bulk coupons or a gasoline certificate has been issued shall keep a monthly mileage and gallonage record for each highway motor vehicle and a gallonage record for non-highway vehicles included in an application upon which the issuance of the ration was based. Reports as to the information contained in these records shall be submitted at such periods as the Director or District Manager may require.

SEC. 10.8. *Lost or stolen coupon books or bulk coupons.* In the event of loss, theft, destruction, or mutilation of any coupon book or bulk coupons or the wrongful withholding of the coupons from the rightful holder, the person entitled to their possession shall make application for the replacement of the

book or coupons pursuant to the provisions of Procedural Regulation No. 12.[1] Where application is made for replacement of a coupon book or bulk coupons which have been lost or stolen, the Board shall waive all waiting periods provided for in paragraphs (a) and (b) of § 1300.954 of Procedural Regulation No. 12 where such requirement will result in extreme hardship upon the individual, impede essential transportation or is contrary to the public interest. Where application is made to a Board other than the one which originally issued the coupon book or bulk coupons, an additional copy shall be made to be forwarded to the Board of original issuance.

SEC. 10.9. *Disposition of lost coupon books.* Any person who finds a coupon book, coupon or other evidence shall surrender it to a Board within five days.

SEC. 10.10. *Denial of rations.* (a) No person who has refused to surrender a ration card, book, or coupon upon direction of the Board or who has refused, without good cause shown, to appear before a Board for examination, shall be entitled to obtain a ration of any type under this order.

(b) Any Board which has reason to believe that any applicant for a ration has used any other ration issued under this order or any ration order relating to gasoline which has been issued in the Territory, for a purpose other than the one for which the ration was obtained, or who has abused or neglected his tires or made a false statement in connection with an application required under this order, may refuse to issue a ration or to renew one for any such applicant and may declare that he shall not be eligible to receive a ration for such period as it shall deem appropriate in the public interest. If the Board refuses to issue or renew a ration it shall serve upon such person a written statement of the ground upon which the ration was denied, and shall state the effective period of the denial.

SEC. 10.11. *Consumer declaration of gasoline on hand.* A Board may require any applicant for a supplemental, fleet, official, transport or nonhighway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motor boat or equipment. The Board may deduct the amount so held when issuing a ration.

Article XI—Renewal, Expiration and Redetermination of Rations

SEC. 11.1. *Renewal of rations.* (a) Any time within thirty days prior to the expiration of any ration, or at any time thereafter, application may be made for a renewal of a ration. It shall be made in the same manner as the original application, except as provided in paragraph (b).

(b) Application for renewal of a supplemental ration for a passenger automobile or motorcycle may be made by executing OPA Form R–543. The applicant shall show any changes in the nature or amount of his use since the date of his original application. If the applicant or principal user is employed at an establishment or facility described in section 5.4 (a) (2) (iii) such form must be certified as indicated thereon by an official in charge of an organized transportation plan at the place of employment. If the Board is satisfied that there have been no substantial changes in the applicant's gasoline needs, or in the nature, conditions and use of the motor vehicle for which the original ration was issued, it may issue a renewal without requiring execution by the applicant of a new original application.

(c) Except as provided in sections 11.2 and 11.3 no ration of any class may be renewed for use prior to (or may be used prior to) the expiration of the current ration of the same class.

SEC. 11.2. *Issuance of further rations for use prior to expiration of current rations.* (a) Any person who finds that a ration of any class (other than a basic ration) issued to him, fails to meet his requirements for one of the following reasons, may apply for a further ration:

(1) There has been a change in his circumstances, such as a change in his occupation or in the location of his place of work or residence;

(2) There is a seasonal variation in the amount of occupational mileage needed;

(3) The applicant miscalculated his needs when making his original application for the ration; or

(4) There has been a reduction in the unit value of a ration that he holds.

(b) The application shall be made in the same manner as the one for the current ration. The applicant shall append to his application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty days from the date of the application;

(2) The reason why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a), more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may issue a new and further ration upon receiving the surrender of the former ration.

(d) No further supplemental, official or fleet ration or non-highway ration shall be granted, which would permit the applicant to exceed the maximum mileage or gallonage to which he would otherwise be entitled.

SEC. 11.3. *Special cases.* (a) Any person who has been issued a supplemental ration based on an allowed mileage in excess of 395 miles per month, who finds that his vehicle cannot be operated for fifteen miles (or in the case of a motorcycle, for forty miles) on a gallon of gasoline, may apply for a further ration for use prior to the expiration of his current ration.

(b) The applicant shall append to his application a statement showing:

(1) That his current ration is insufficient to meet his needs for more than thirty days from the date of the application;

(2) The nature of the use of the vehicle for which the further ration is sought and the driving conditions under which the vehicle is operated;

(3) The reason why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle for which the application is made is in sound mechanical condition and is being operated in such manner as to secure a maximum economy of gasoline.

(5) The Board may require the applicant to submit a statement from an auto mechanic as to the greatest efficiency which the engine is capable of.

(c) The Board may, upon receiving the surrender of the former ration, issue a new and further ration.

SEC. 11.4. *Surrender of expired coupons.* (a) No ration may be used and no coupon book or certificate shall be valid for the transfer of gasoline to a consumer after its expiration.

(b) The person to whom a ration has been issued shall, within five days after the expiration of the ration, surrender all unused coupons to the issuing Board.

SEC. 11.5. *Expiration of rations.* (a) All Class A and basic Class D coupons expire at the end of the respective valid periods provided in section 4.2. Other rations expire as noted on the books or applications.

SEC. 11.6. *Expiration of rations upon cessation of use or change in ownership.* (a) Upon cessation of use or change of ownership of any vehicle, boat, or equipment, any ration issued for it shall expire and all unused coupons and books must be surrendered to the issuing Board by the person to whom the ration was issued within five days after the cessation or change. The transferee of the vehicle, boat, or equipment may apply for a ration on his own behalf, in accordance with the applicable provisions of this order: *Provided,* That the transferee may not obtain a ration unless a bona fide transfer is involved.

(b) A person who is no longer using a ration for the purpose for which it was obtained shall surrender all unused coupons and books to the issuing Board within five days after his cessation of use.

SEC. 11.7. *Coupon books property of Office of Price Administration.* (a) All coupon books, bulk coupons, inventory coupons and other evidences remain the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke or recall any ration and may require the surrender and return of any coupon books, bulk coupons, inventory coupons and other

[1] 8 F. R. 3171.

evidences during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

(b) In the event that any person to whom a ration has been issued is convicted by a court of competent jurisdiction of driving a motor vehicle at a speed in excess of thirty-five miles per hour, the issuing Board, upon receipt of a certified copy of the judgment of conviction may revoke the ration of such person and order him to surrender to it all his coupons or coupon books.

(c) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application may be revoked by the issuing Board, and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue the ration in lieu of the one revoked.

(d) A Board may revoke all the rations of any person who refuses to sell his excess passenger-type tires in accordance with the agreement he made at the time he first received his rations.

SEC. 11.8. *Revocation of ration after hearing.* (a) When a Board has reason to believe that any holder of a ration has used it for a purpose other than that for which it was issued, has violated the thirty-five mile per hour speed limitation, has abused his tires, or made a false statement in any application, it or any other Board at its request may serve a written notice of hearing upon him. The notice shall be served at least three days prior to the date fixed for the hearing, and shall state the time and place of the hearing, the charges and the purpose of the hearing. If the holder of the ration admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it that he has committed any of the acts specified above, the Board shall by order revoke, for a period which shall be stated therein, the rations issued to him in whole or in part, and direct him to surrender to it the coupons or certificates issued to him to the extent required to make the revocation effective. If any person whose ration was revoked for failure to appear at a hearing shows good cause for such failure, within five days of the Board's order, the revocation of his ration shall be cancelled and the Board shall grant him a full hearing on the charges.

(b) The order of revocation shall promptly be served on the holder of a ration personally or by mail to his last known address. The order shall, if personally served, become effective twenty-four hours after the service, and if served by mail, three days after the date of mailing. The Board may designate one or more of its members to perform the functions described in this section.

(c) Any person against whom an order of revocation has been issued may, within fifteen days after its effective date, appeal by filing a statement of objections to the order with the Board which issued it. Within three days after the receipt of the statement the Board shall forward it, together with a copy of the notice instituting the proceedings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner having jurisdiction over the Board's area. Within five days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Regional Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation No. 4[2] and amendments thereto.

(d) Whenever a Board's order of revocation is rescinded or modified, the Board shall take whatever action is necessary to put the decision into effect.

SEC. 11.9. *Effective period of order revoking ration.* Whenever a Board has revoked the ration of a ration holder in whole or in part, no ration shall be issued to him or to any other person for his use, and no ration already issued to him or to any other person for his use shall be renewed during the period of revocation, except in accordance with the provisions of the order.

SEC. 11.10. *Notations on revocations of rations.* Whenever a ration is revoked in whole or in part and the ration holder has been directed to surrender any coupons or certificates, he shall, if the ration was issued for the operation of a motor vehicle, present its registration certificate to the Board. The Board shall note on the back of the registration certificate that the ration has been revoked, or if it has been revoked in part, the extent of its action.

Article XII—Restrictions on Transfers

SEC. 12.1. *Restriction on transfer to consumers.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person other than a dealer or distributor shall transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or a distributor, except as may be specifically provided in other sections of this order.

SEC. 12.2. *Transfers to consumers.* Notwithstanding the terms of any contract, agreement or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline only in exchange for valid evidences.

SEC. 12.3. *Transfers to consumers in exchange for coupons.* (a) Coupons in books issued for registered and commercial motor vehicles. Transfers may be made and accepted in exchange for coupons contained in Class A, B, C, D, T–1 or T–2 books, only under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach from it coupons having an aggregate unit value equal to the amount of gasoline transferred. The transferor shall detach an entire coupon even if the transferee is able to accept only part of the amount of gasoline represented by the unit value of a coupon. No transfer may be made under this paragraph in exchange for a coupon detached prior to the presentation of the book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented and only if the sticker corresponding to the class of book represented is displayed on the right hand side of the vehicle's windshield, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B or C sticker is displayed. A bulk transfer may be made in exchange for a coupon in a book only if there is a notation on the book that a bulk transfer is authorized. A bulk transfer of gasoline not in excess of one unit may also be made to enable a vehicle stranded for lack of fuel to reach a source of supply, but the transferor shall retain the ration book until the vehicle is brought to him for identification.

(3) Transfer may be made only during the valid period on the cover of the book presented, or in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(b) Coupons in non-highway books. Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made in exchange for a coupon detached prior to the presentation of a coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be knowingly made for use in a registered motor vehicle, commercial motor vehicle or the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(c) Bulk coupons. Transfer may be made in exchange for bulk coupons as follows:

(1) The transferor must require surrender, at the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred.

(i) When any delivery of gasoline is made in the absence of the transferor or his agent, by barge or tank car, or in the absence of the transferee or his agent coupons need not be surrendered simultaneously with delivery, but must be forwarded to the transferor within seven days after delivery.

(2) Transfer may be made only in exchange for bulk coupons which are issued on OPA Form R–553a or OPA Form R–554a. No dealer may transfer gasoline in exchange for 100 gallon bulk coupons, and no dealer shall have any

[2] 8 F.R. 1744, 2035.

such coupons in his possession (except those which have been issued to him by a Board as his own ration), unless he regularly engages in bulk sales of gasoline in units of 100 gallons or more.

(d) Gasoline certificates. Transfer may be made by a distributor pursuant to a valid gasoline certificate only into the storage tanks of the commercial account to whom the certificate was issued.

SEC. 12.4. *Transfer of vehicle, boat or equipment.* Nothing in this order shall be deemed to forbid the transfer of gasoline in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and bona fide transfer of the vehicle, boat or equipment.

SEC. 12.5 *Transfer of consumer establishments: transfer by operation of law.* (a) Nothing in this order shall be deemed to forbid the transfer of gasoline actually in a storage tank maintained by a consumer as part of an enterprise, in conjunction with a lawful and bona fide transfer of the enterprise itself, or a transfer of gasoline by operation of law.

(b) Any person to whom a transfer of the character described above is made, shall report the amount of gasoline involved to the Board serving the area in which the gasoline is located. The transferee may either:

(1) Transfer all or any part of the gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred. He must thereupon surrender the coupons or other evidences to the Board for cancellation; or

(2) He may consume the gasoline to the extent of any rations which have been issued to him. He may use it only for the purpose for which the ration was issued and shall surrender to the Board for cancellation, coupons equal in value to the amount of gasoline consumed.

SEC. 12.6. *Signature on coupon book.* No coupon book may be used until the person to whom it is issued has signed the certification provided for therein.

SEC. 12.7. *Change of occupation of ration holder.* The holder of a ration which is based on allowed mileage in excess of 395 miles per month shall report to the issuing Board any change in the principal occupation for which the ration was issued. The holder shall submit his report to the Board within five days after the change, describing fully the nature of his new occupation, the exact type of work performed, the business or industry in which it is performed and the purpose, if any, for which the vehicle will be used in his new occupation. If the Board believes that the motor vehicle will no longer be used for a preferred purpose listed in section 5.6, it shall notify the holder in writing that his right to the ration is to be re-examined. The notice shall require him to file a new application within ten days. If no new application is filed within that time, the Board shall revoke the ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 395 miles per month) issued in connection therewith. If a new application is filed, the Board shall determine the eligibility for a preferred purpose listed in section 5.6 and if it finds that the vehicle will no longer be eligible, it shall revoke the ration and recall the coupons or coupon book originally issued. It shall then issue the rations that the holder is entitled to receive on the basis of his new application.

SEC. 12.8. *Restriction on use of gasoline for racing or exhibition purposes.* No gasoline shall be used for the operation of any boat or any motor vehicle in exhibitions or races for public entertainment or prizes.

SEC. 12.9. *Display of stickers.* No person may use a Class A, B, C, or T coupon book or bulk coupon, other than one representing a special ration, issued for a registered or commercial motor vehicle, unless the sticker identifying the class of ration issued for the vehicle, is permanently affixed to and displayed on the right hand side of the vehicle's windshield. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying the additional ration.

SEC. 12.10. *Restriction on blending of gasoline.* No person other than a distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

SEC. 12.11. *Restriction on consumption of gasoline.* No person shall consume gasoline unless it was acquired by him or on his behalf in exchange for valid coupons or other evidences authorizing a transfer to a consumer.

SEC. 12.12. *Transfers from fuel tank.* No gasoline in the fuel tank of any motor vehicle, inboard motor boat, outboard motor or non-highway equipment shall be transferred to the fuel tanks of any registered or commercial motor vehicle, or of any inboard motor boat or outboard motor operated for non-occupational purposes.

SEC. 12.13. *Discrimination by dealers and distributors.* (a) No distributor shall discriminate in the transfer of gasoline among dealers lawfully entitled to acquire gasoline under this order. Any refusal on the part of a distributor to transfer gasoline to a dealer to whom he has made a transfer on or subsequent to May 1, 1943, shall be prima facie evidence of discrimination.

(b) No dealer or distributor shall discriminate in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of this order.

SEC. 12.14. *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for its use.

SEC. 12.15. *Limitation on speed.* (a) No person shall use gasoline in the operation of a motor vehicle at any rate of speed in excess of 35 miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Armed Forces of the United States, or to meet an emergency involving serious threat to life, health or public safety.

SEC. 12.16. *Other prohibitions.* (a) General Ration Order 8 [3] contains provisions, applicable to all Ration Orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Transferring a rationed commodity at an illegal price;

(8) Bribing, hindering, or interfering with rationing officials;

(9) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

Article XIII—Registration of Place of Business

SEC. 13.1. *Registration of inventory and capacity.* (a) Every dealer shall take a physical inventory of his total gasoline supplies on hand as of the close of business on the day preceding the effective date of this Order and shall, within the next two days register on OPA Form R–545 with the Board serving the area in which his place of business is located.

(b) Separate registration shall be made by the dealer for each place of business operated by him at which gasoline is transferred, and shall be made at each respective Board having jurisdiction over the place of business.

SEC. 13.2. *What constitutes gasoline on hand.* The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars, drums or other containers, except gasoline in the fuel tank of a motor vehicle.

SEC. 13.3. *What constitutes gasoline storage capacity.* The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums or other movable containers. However, a dealer who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

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[3] 8 F.R. 3783, 5677.

SEC. 13.4. *Issuance of registration certificates.* The Board upon being satisfied that the information submitted by the registrant is correct, shall by authorized signature approve the certificate, file Part B and return Part A to the registrant who shall retain it as a certificate of registration at the place of business to which it applies.

SEC. 13.5. *Issuance of inventory coupons.* (a) The Board shall issue to the registrant inventory coupons in an amount equal to the number of gallons, if any, by which the total gasoline storage capacity for each place of business exceeds the total inventory of gasoline on hand. A one hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board by a dealer for an equivalent amount of one gallon inventory coupons.

SEC. 13.6. *Restriction on use of inventory coupons.* (a) Every dealer shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange. One gallon inventory coupons, however, may be used to make up the difference between the number of gallons in any delivery and the number of gallons represented by the sum of the values of consumer coupons or other evidences.

(b) Every dealer shall clearly write or stamp on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on the certificate of registration, and no inventory coupons shall be used in exchange for gasoline unless these notations appear on the coupon.

SEC. 13.7. *Restrictions on transfers.* Except as provided in section 13.8, no dealer shall transfer or shall receive a transfer of gasoline from any other dealer or distributor except in exchange for a quantity of coupons or other evidences, at or before the time of the actual delivery of the gasoline, which is exactly equal in gallonage value to the amount of the gasoline transferred. Evidences shall not be exchanged for transfers of gasoline between distributors.

SEC. 13.8. *Absentee and third party deliveries.* (a) Where a distributor delivers gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount to be delivered is known in advance, mail or deliver evidences to the distributor in advance, or at the discretion of the distributor, within twenty-four hours of delivery, equal in gallonage value to the amount, or adjusted amount of the delivery.

(b) Where gasoline is delivered to a dealer by common or contract carrier, or where the billing for gasoline transferred is not received by the transferee at the same time as, or prior to receipt of the gasoline, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver evidences to his distributor equal in gallonage value to the amount of the delivery, or he may, at the transferor's discretion, forward the evidences to the transferor within five days after receipt of the delivery.

SEC. 13.9. *Upstream transfers.* (a) Any distributor who receives a transfer or return of gasoline from a dealer, other than in connection with a transfer to him of the place of business of the dealer, shall deliver to the dealer a quantity of his accumulated coupons or other evidences equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Any dealer who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the consumer's place of business, shall deliver to his board a quantity of evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired and the quantities so acquired.

(c) Any distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the consumer's place of business, shall submit a signed statement in duplicate to the Board setting forth the name and address of the consumer and the quantity of gasoline acquired, whenever he remits his accumulated evidences in return for an exchange certificate. The Board shall issue an exchange certificate equal to the difference between the gallonage value of the evidences remitted and the gallonage of the returned gasoline.

(d) The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

SEC. 13.10. *Preservation of coupons.* Each dealer and distributor shall affix all coupons received by him in exchange for transfers or returns of gasoline to coupon sheets on OPA Form R–120. Only coupons which are of the same class or type and which were received at the same unit value shall be affixed to a single sheet.

SEC. 13.11. *Summary of coupons.* Each dealer shall, prior to every delivery by him of coupons or other evidences to a transferor of gasoline prepare OPA Form R–541, Summary of Coupons, in duplicate, certifying the number of each type of coupon and the number of evidences to be delivered. He shall turn over to the transferor the original of this summary attached to his coupons and other evidences, and shall retain the copy at his place of business for a period of not less than one year. All summaries received by a distributor shall be recapitulated in his own summary, equalling the total gallonage represented by all coupons and other evidences (less the gallonage represented by exchange certificates) forwarded by him. The summaries received from dealers shall be included with the attached coupons and other evidences when forwarded by the distributor.

SEC. 13.12. *Exchange of coupons for certificates.* A distributor may at any time deliver to a Board coupons or other evidences and obtain in return exchange certificates equal to the gallonage value of the valid coupons or other evidences remitted. The remitter shall attach a Summary of Coupons on OPA Form R–541, in addition to the summaries already attached by the dealer from whom the coupons or other evidences were received.

SEC. 13.13. *Surrender of expired coupons.* The Director may require any dealer to exchange all coupons of any class or classes held by the dealer for exchange certificates, inventory coupons or other evidences of gallonage value within twenty-four hours after announcement of an alteration in the unit value of coupons.

SEC. 13.14. *Certification of shortage.* Dealers shall be permitted from time to time to apply by certification on OPA Form R–549 for replenishment for losses of gasoline through evaporation, handling, accident or other extraordinary circumstances, and for unavoidable loss of coupons or other evidences. The certification of shortage shall be submitted to the Board having jurisdiction over the dealer's establishment to which the shortage is to be attributed, and shall give a full explanation of the reasons therefor. If the Board finds that the applicant has incurred the shortages claimed, that they were not incurred as

a result of any acts performed in violation of this order and that any claimed shortage of gasoline is reasonable, it shall file the certification and issue to the dealer a quantity of inventory coupons equal to the amount of the proven shortage. A copy of the certification may be retained by the dealer for his records.

Article XIV—Records and Audits

SEC. 14.1. *Accountability of dealers.* (a) Every dealer shall be accountable for all gasoline, coupons and other evidences received by him and shall at all times have in his possession or control coupons or other evidences having an aggregate gallonage value which, when added to the number of gallons of gasoline on hand, is equivalent in gallonage to his total gasoline storage capacity as stated in his registration filed with the Board.

(b) Every distributor shall give to a dealer to whom he is making a delivery of gasoline, an invoice, delivery ticket or other customary evidence of transfer, showing the name and address of the purchaser and the date and quantity of the purchase. The dealer shall retain the evidence so furnished him at his place of business for at least a year.

SEC. 14.2. *Reports by distributors.* (a) Every distributor shall prepare an additional copy of each of his monthly motor fuel tax reports (and supporting schedules) which he shall submit to the Territorial Tax Commissioner together with his usual monthly report. He shall attach to the extra copy of his report a certified statement as to the amount of gasoline delivered to each of his commercial accounts during the period covered by the report, and other evidences, which together shall represent a gallonage value equal to the total gallonage value for which he is required to account.

(b) The distributor shall also prepare in triplicate a reconciliation statement on OPA Form R–550, reconciling the difference between the gallonage value of the evidences and the statement so submitted, and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy at his place of business for a period of not less than one year.

(c) Every distributor shall report his total deliveries of gasoline to dealers and consumers. The report shall be filed weekly except that the Director may require daily reports whenever he considers such information necessary to determine the status of the civilian quota for gasoline set by the Office of the Military Governor. Reports of deliveries on Oahu and Lanai shall be made to the Director; reports of deliveries on each of the other islands shall be made to the Board serving that island.

(d) Every distributor shall be accountable for all gasoline, coupons and other evidences received by him. He shall at all times have in his control evidences in a gallonage value which, when added to the gallonage represented by evidences transmitted through the Hawaii Tax Commissioner and expired gasoline certificates, shall be equivalent in gallonage value to the number of gallons of gasoline which he has transferred on or after July 1, 1943, and for which the receipt by him of coupons or other evidences is required by this order, except as theft or unavoidable loss of evidences may prevent it.

SEC. 14.3. *Audit by Tax Commissioner.* On completion of its usual office audit of a distributor's monthly motor fuel tax report, the Tax Commissioner's office will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached evidences in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will then forward the additional copy of the tax return, the attached evidences and the original of the reconciliation form and supporting statements to the Director. In the event the Tax Commissioner's office discovers any error or other irregularity in the monthly report by later inspection or audits, it will notify the Director of all the facts relating to the irregularity.

Article XV—New Registrations

SEC. 15.1. *Registration of new or reopened place of business.* Any dealer who opens or reopens a place of business not currently registered shall, prior to receipt or transfer of any gasoline, register the place of business in the manner provided for in section 13.1, and shall be issued inventory coupons equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

SEC. 15.2. *Cessation of business.* Any dealer who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall at the time of final closing, deliver to the Board having jurisdiction over his place of business, the certificate of registration and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of the place of business except those issued to him as a ration by the Board.

SEC. 15.3. *Acquisition of dealer's place of business.* Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer may accept a transfer of all gasoline on hand at the place of business. The transferee shall, at the time of acquisition, obtain from the dealer the certificate of registration for the place of business and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer. The transferee shall immediately deliver to the Board having jurisdiction over the place of business, the certificate of registration received by him from the dealer and shall endorse his name and address on the certificate of registration and the duplicate on file with the Board. The endorsement shall constitute a certification by the transferee that he has acquired from the transferor the place of business described in the certificate, the total quantity of gasoline on hand at the place of business, and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity of the place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of sections 13.1 to 13.5 inclusive.

SEC. 15.4. *Change of storage capacity.* Any dealer who alters the total gasoline storage capacity of his place of business shall deliver for cancellation to the Board having jurisdiction over the place of business, his currently valid certificate of registration, and shall register for and obtain a new certificate. The Board shall attach to its copy of the new certificate the original and copy of the cancelled one. If the total gasoline storage capacity of the place of business is decreased, the dealer shall surrender to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of the decrease. If the total gasoline storage capacity is increased, the Board shall issue to the dealer a quantity of inventory coupons equal in gallonage value to the amount of the increase.

Article XVI—General Provisions

SEC. 16.1. *Inspection of records and facilities.* All records, reports, forms, accounts or other documents required to be prepared and kept by any person under this order, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and such other personnel as it may designate. The inspection may be made at the place of business of any such person during regular business hours, or in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Director.

SEC. 16.2. *Adjustment of errors.* Any person who claims that a registrar or issuing agent improperly refused to issue a ration book or made an error in issuing one on the basis of his application may apply to his Board for adjustment of the error.

SEC. 16.3. *Appeals from decisions of boards.* Any person may appeal from an adverse decision of a Board. The appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9.[4]

SEC. 16.4. *Designation of unit value of coupons.* The unit value of any coupon in the hands of a dealer or distributor, other than a coupon issued to him as a ration, shall be that value which the coupon had at the time and place it was surrendered by a consumer in exchange for gasoline. The value of the unit represented by coupons in Class A, B, C, D, E, R, T–1, and T–2 ration books, when surrendered by a consumer in exchange for gasoline, is hereby designated and fixed as follows:

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[4] 7 F.R. 8796.

(a) Two and five-tenths (2.5) gallons of gasoline with respect to Class A book coupons, except that on the island of Kauai each coupon shall have a value of three (3) gallons.

(b) Four (4) gallons of gasoline with respect to Class B and C book coupons.

(c) One and five-tenths (1.5) gallons of gasoline with respect to Class D book coupons.

(d) One (1) gallon of gasoline with respect to Class E book coupons.

(e) Five (5) gallons of gasoline with respect to Class R, T–1 and T–2 book coupons.

SEC. 16.5. *Effect on other orders.* (a) Ration Order No. 5F shall supersede, on its effective date on any island of the territory of Hawaii, any and all other orders rationing gasoline on that island.

Effective date. Ration Order No. 5F shall become effective on July 1, 1943.

Issued this 30th day of June 1943.

MELVIN C. ROBBINS,
Acting Territorial Director,
Territory of Hawaii.

Approved:

WALLACE M. COHEN,
Acting Regional Administrator.
Region IX.

[F. R. Doc. 43–12459; Filed, July 31, 1943; 2:39 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F, Amdt. 1]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5F is amended in the following respect:

1. Section 1.1 is amended to read as follows:

SEC. 1.1 *Territorial limitations.* The provisions of Ration Order 5F shall apply only in the Islands of Kauai and Maui in the Territory of Hawaii.

This amendment shall become effective August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 562, Supp. Dir. 1–Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 30th day of July 1943.

MELVIN C. ROBBINS,
Acting Territorial Director,
Territory of Hawaii.

Approved:

WALLACE M. COHEN,
Acting Regional Administrator,
Region IX.

[F. R. Doc. 43–12460; Filed, July 31, 1943; 2:39 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 397,[1] Amdt. 2]

FLAXSEED

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 397 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Applicability.* (a) Except as provided for in paragraph (b) of this section, this regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic flaxseed.

(b) This regulation shall have no application to sales of flaxseed to be used as seed for planting or for medicinal or food purposes.

2. Section 4 (a) (4), (5), (6), (7), (8), (9), (10) and (11) are added to read as follows:

(4) "Area A" includes all territory within the Continental United States exclusive of Alaska east and south of a line described as follows: commencing at the mouth of the Mississippi River thence up said river to its confluence with the Ohio River, thence up said Ohio River to the Indiana-Ohio State boundary line, thence north along said state boundary line to Michigan, thence east along the Michigan-Ohio State boundary line to Lake Erie.

(5) "Area B" includes the states of Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Illinois, and Indiana.

(6) "Area C" includes all territory within the Continental United States exclusive of Alaska not embraced in Area A or Area B.

(7) "Bushel" as a unit of measurement of flaxseed means 56 pounds net weight.

(8) "Interior point" is any point outside the corporate and railroad switching limits of the cities listed as terminal basing points.

(9) "Interior rail point" is any interior point located on a railroad.

(10) "Interior non-rail point" is any interior point not located on a railroad.

(11) "Net weight" excludes the weight of all sacks or other containers irrespective of any state law providing for an inclusion of the weight of such sacks or other containers in sales of flaxseed which state laws are hereby superseded.

3. Section 4 (b) is added to read as follows:

(b) This regulation in speaking of sales or purchases at a specified point (interior point, terminal basing point or other point) means that the purchaser shall receive manual delivery of the flaxseed in question at said point. If the flaxseed in question is physically located at said point at the time of the sale, and there delivered to said purchaser (sometimes referred to as a sale f. o. b. said point), the purchaser may thereafter arrange and pay (in addition to the maximum price for the flaxseed at said point) for its transportation elsewhere; and the purchaser may engage the seller as his agent to procure such transportation. If the flaxseed in question is not physically located at said point at the time of the sale, then:

(1) If the buyer pays the seller the full maximum price, the seller must secure and pay all said transportation charges required to effectuate such a delivery to said purchaser at said point; and if he does not, there has been a violation of this regulation; and

(2) If the buyer pays any part of said transportation charges required to effectuate such a delivery as aforesaid, all said transportation charges so paid by the buyer must be deducted from the said maximum price to determine the amount the seller may actually receive in such a case; and if such deduction is not made, there has been a violation of this regulation.

4. Section 5 is amended to read as follows:

SEC. 5 *Maximum prices for flaxseed.* (a) The maximum price of flaxseed (excluding dockage), per bushel, bulk (or if in bags or other containers "net weight" as herein defined), subject to moisture and test weight differentials as hereinafter set forth, shall be as follows:

(1) At the following terminal basing points where the lot sold is not delivered by truck:

	Per bushel
Minneapolis, Duluth and Red Wing, Minnesota	$3.05
Milwaukee, Wisconsin	3.05
Chicago, Illinois	3.05
Portland, Oregon	3.05
Emporia and Fredonia, Kansas	2.95
Corpus Christi, Harlingen and Houston, Texas	2.90

(2) At the terminal basing points above specified other than Portland, Oregon, where the lot sold is delivered by truck the respective maximum prices specified in subdivision (1) less 8 cents per bushel.

(2a) At the terminal basing point of Portland, Oregon, where the lot sold is delivered other than by rail the maximum price at Portland, Oregon, as specified in subdivision (1) less 5 cents per bushel.

(3) At the following terminal basing points whether the lot is or is not delivered by truck:

Los Angeles, Long Beach, Wilmington, Buena Park and Fresno, California	$3.30
San Francisco, Oakland and Berkeley, California	3.30

(4) At any point in Area A, $3.05 per bushel plus the lowest domestic carload proportional all-rail rate (or, if none, the lowest carload local all-rail rate) per bushel from Minneapolis to the point in Area A in question: Provided, That

[1] 8 F.R. 6840, 7392.

whenever flaxseed purchased under this subdivision (4) has moved from producer to any buyer in whole or in part by water the foregoing maximum price shall be reduced by an amount equal to the difference between the actual water rate and said rail rate for the distance so moved by water.

(5) At interior rail points in Area B, on track, in carload quantities, the maximum price at that terminal basing point in Area B which less the lowest carload local all-rail rate per bushel from said interior rail point to said terminal basing point and less 3 cents per bushel handling charges at said terminal basing point will give the highest maximum price at said interior rail point; and, where the flaxseed is sold at such an interior point accompanied by transit billing useable beyond said point, plus the value of said transit billing.

(6) At interior rail points in Area B, not on track, in any quantity, the maximum price specified in subdivision (5) less 5 cents per bushel for handling charges through a country elevator.

(7) At any interior non-rail point in Area B, in any quantity, the maximum price specified in subdivision (6) for that interior rail point in Area B nearest (by the most usually traveled route) to said interior non-rail point less transportation charges from said interior non-rail point to said interior rail point by said route.

(8) At any point in Area C (other than a terminal basing point in Area C) the maximum price at the terminal basing point in Area C nearest thereto (by the most usually traveled route) less the lowest carload local all-rail rate per bushel from said terminal basing point to the rail point in Area C constituting or nearest (by the most usually traveled route) to the point in Area C in question; and, where the flaxseed is sold at such an interior point accompanied by transit billing useable beyond said point, plus the value of said transit billing.

(b) The foregoing maximum prices shall be increased for the sale or delivery of flaxseed in sacks furnished by the seller by the reasonable value (not exceeding any maximum price thereon) of such sacks.

(c) When flaxseed is handled through a terminal elevator by any seller, such seller may add to the maximum price hereinbefore established for the sale in question, elevation charges not exceeding the charges prescribed by law for such service, but the total elevation charges, irrespective of the number of elevations, that may be added to the maximum price to any purchaser, shall not exceed 3 cents per bushel.

(d) When a crusher engages as his agent an independent buyer the crusher may pay said independent buyer, notwithstanding the provisions of any other regulation, a maximum service charge not exceeding 1½ cents per bushel, which shall not be considered as a part of the maximum price hereinbefore established for the purchase of the flaxseed. Any independent buyer receiving a portion of the handling charges mentioned in paragraph (a) (5) of this section is not eligible for any service charge.

(e) For flaxseed containing more than 11 percent moisture, the foregoing maximum prices shall be reduced 1½ cents per bushel for each ½ per cent of moisture or fraction thereof in excess of 11 per cent.

(f) For flaxseed testing less than 49 pounds per bushel, the foregoing maximum prices shall be reduced 1 cent per bushel for each ½ pound under 49 pounds.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 27, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12461; Filed, July 31, 1943; 2:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 13]

COTTONSEED AND PEANUT OIL MEAL OR CAKE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 1.8 is hereby revoked.

2. Section 1.5 (f) (1) is amended to read as follows:

(1) "Processor" is a person who crushes a vegetable oil bearing material into oil and oil meal or cake exclusive of such oil meals or cakes as are subject to another regulation.

3. Section 1.5 (f) (5) is amended to read as follows:

(5) "Oil meal or cake" is the product produced by a processor as above described exclusive of such products as are subject to another regulation.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12462; Filed, July 31, 1943; 2:44 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 150,[1] Amdt. 1]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 150 is amended in the following respects:

1. Section 6 (a) (4) is amended to read as follows:

(4) The maximum prices specified in subparagraphs (1) to (3) above, both inclusive, may be increased for the sale or delivery of finished rice processed in any of the hereinafter named cities or the railroad switching limits thereof, f. o. b. such places, at the rate per 100 pounds as set forth opposite each city respectively:

City:	*Amount of increase*
San Francisco, California	$0.12
St. Louis, Missouri	.25
Memphis, Tennessee	.08
Baton Rouge, Louisiana	.10
New Orleans, Louisiana	.10

2. Section 8 (a) (1) is amended to read as follows:

(1) $10.00 per ton for rice hulls, ground or unground, plus transportation charges actually increased by the seller to his buyer's receiving point.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Dock 43-12477; Filed, July 31, 1943; 4:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296, Amdt. 6]

FLOUR FROM WHEAT, SEMOLINA AND FARINA

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1651 (b) is amended to read as follows:

(b) Wherever in this Maximum Price Regulation No. 296 the words "miller" or "blender" are used they shall be construed to include flour jobbers as hereinafter defined. For sales to retail outlets, the maximum price for "flour jobbers" shall be calculated under the provisions of Maximum Price Regulation No. 421.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 9 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12476; Filed, July 31, 1943; 4:07 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4788.

PART 1399—CONSTRUCTION, OIL FIELD, MINING AND RELATED MACHINERY

[MPR 134,[1] Amdt. 10]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND CHARGES FOR OPERATING AND MAINTENANCE OR REPAIR AND REBUILDING SERVICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 134 is amended in the following respects:

1. A new subparagraph is added to § 1399.10 (b) to read as follows:

(5) Notwithstanding the provisions of § 1399.5, the maximum flat charge for any repair and rebuilding service supplied by any person to the United States Army Engineers, South Atlantic Division, shall be the charge at which he has contracted to perform such service for the United States Army Engineers, or a charge, for each man hour of productive work supplied in performing such service, not exceeding $1.75 for straight time and $2.20 for overtime, whichever is higher.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12478; Filed, July 31, 1943; 4:07 p. m.]

PART 1405—FERRO ALLOYS

[MPR 405,[2] Amdt. 1]

FERROSILICON AND SILICON METAL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 405 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Maximum prices for 15% ferrosilicon.* The maximum price for 15% (electric furnace) ferrosilicon shall be determined by using the base prices with the premiums set out below:

SILICON RANGE

[14% to 18%, inclusive; Maximum Base Prices Per Gross Ton]

CARLOAD LOTS (PIGS OR LUMP) F. O. B. RAILROAD CARS JACKSON COUNTY, OHIO

	Per gross ton
14.00% Si up to and including 14.50% Si	$45.50
Above 14.50% Si up to and including 15.00% Si	46.50
Above 15.00% Si up to and including 15.50% Si	47.50
Above 15.50% Si up to and including 16.00% Si	48.50
Above 16.00% Si up to and including 16.50% Si	49.50
Above 16.50% Si up to and including 17.00% Si	50.50
Above 17.00% Si up to and including 17.50% Si	51.50
Above 17.50% Si up to and including 18.00% Si	52.50

On sales f. o. b. Niagara Falls, New York add $1.25 per gross ton.

Premiums

Gross ton lots: $1.50 per gross ton.

Grinding to small sizes: Carload lots: 2" x Down $3.00; 1" x Down $9.00; ½" x Down $12.00; ¼" x Down $13.00; 8 Mesh x Down $17.00; 20 Mesh x Down $20.00; 48 Mesh x Down $22.00; 65 to 100 Mesh x Down $26.00; 150 or 200 Mesh x Down $31.00. *Gross ton lots:* 2" x Down $5.00; 1" x Down $13.00; ½" x Down $17.00; ¼" x Down $21.00; 8 Mesh x Down $25.00; 20 Mesh x Down $28.00; 48 Mesh x Down $39.00; 65 to 100 Mesh x Down $71.00; 150 or 200 Mesh x Down $86.00.

Packing: $6.00 per gross ton for domestic packing. $9.00 per gross ton for ocean shipment, 50 gal. containers. $12.00 per gross ton for ocean shipment, 30 gal. containers.

Low impurities (Not exceeding, carbon 1.00%, phosphorus 0.05%, and sulphur 0.04%): $1.00 per gross ton.

Manganese content above 1.00%: $0.50 per gross ton for each 0.50% or fraction thereof.

N. B. For general terms see section 5 below.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12479; Filed, July 31, 1943; 4:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 22]

DETINNED OR TIN-COATED SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 2.9 (b) (6) is added to read as follows:

(6) Detinned or tin-coated scrap sold for use in copper precipitation.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12480; Filed, July 31, 1943; 4:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 8]

MATZOS PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.21 is added to read as follows:

SEC. 1.21 *Matzos products.* (a) This section shall govern all sales and deliveries of matzos products within the 48 states and the District of Columbia of the United States except such sales and deliveries as are subject to Maximum Price Regulations 421, 422, and 423 and any amendments of either thereof.

(b) The maximum prices for all sales and deliveries of passover matzos products subject to this section shall be as follows:

(1) 15¾¢ per pound for packages of one pound or more of passover matzos products, except passover egg and wholewheat matzos products.

(2) 15¢ per package of 11 to 15 ounces of passover matzos products, except passover egg and wholewheat matzos products.

(3) 16¾¢ per pound for packages of one pound or more of passover wholewheat matzos products.

(4) 16¼¢ per package of 11 to 15 ounces of passover wholewheat matzos products.

(5) 27¢ per package of 11 ounces or over of passover egg matzos products.

(6) 13¢ per package of less than 11 ounces of passover matzos products.

(7) 65¢ per package of Schmura matzos.

(c) The maximum price for all sales and deliveries of non-passover matzos products subject to this section shall be the maximum price thereof as heretofore established under the General Maximum Price Regulation, plus an addition at the rate of 1¾ cents per pound.

(d) "Matzos products", and the several kinds thereof above named, are the commodities heretofore known to the trade as such.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12481; Filed, July 31, 1943; 4:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 443]

SOYBEAN OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

Maximum Price Regulation 443 is a revision and amendment as to the above named soybean products of former § 1499.73 (a) (50) of Supplementary Regulation 14 to the General Maximum

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 8948, 9785; 8 F.R. 1975, 3789, 5931, 9140.

[2] 8 F.R. 8181.

Price Regulation. (The present section is section 1.8 of Revised Supplementary Regulation 14 to the General Maximum Price Regulation.)

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E.O. 9250 and E.O. 9328.

The statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1351.363 *Maximum prices for soybean oil meal, cake, pea size meal and pellets.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation (Soybean oil meal, cake, pea size meal and pellets), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.363 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 443—SOYBEAN OIL MEAL, CAKE, PEA SIZE MEAL AND PELLETS

ARTICLE I—SCOPE OF THIS REGULATION

Sec.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

ARTICLE III—MISCELLANEOUS PROVISIONS

Article I—Scope of This Regulation

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of imported and domestic soybean oil meal, cake, pea size meal and pellets, whether produced from domestic or imported soybeans.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any soybean oil meal, cake, pea size meal or pellets at prices above the maximum prices established by this regulation; nor shall any person agree, solicit, offer or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

Article II—Definitions, Maximum Prices and Terms of Sale

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing; and includes the United States or any other government or any political subdivision or agency of any of the foregoing.

"Processor" is a person who crushes soybeans by expeller, extraction or hydraulic process into soybean oil and soybean oil cake or meal. It also includes persons converting soybean oil cake into soybean oil meal, pea size meal and pellets.

"Soybean oil meal, cake, pea size meal and pellets" refer to the products produced by a processor from soybeans as above described. The soybeans used must not contain screenings or other foreign materials except in such quantities as might have occurred in good production practice as in vogue prior to price control. Further, screenings or other foreign materials must not be added to the meal or cake after the crushing of the oil from the soybeans. In no event shall the soybean oil meal, cake, pea size meal or pellets contain less than 41 per cent of protein.

"Jobber" is a person other than a processor or retailer who distributes soybean oil meal, cake, pea size meal or pellets owned by him without unloading into a warehouse.

"Wholesaler" is a person who buys soybean oil meal, cake, pea size meal or pellets, unloads it into a warehouse and resells the same to a retailer or to a person who processes the same further. It includes a processor where he transports and unloads the aforesaid products into a warehouse operated as a place of business separate from the production plant and thereafter sells the same to the persons above mentioned.

"Retailer" is a person who buys soybean oil meal, cake, pea size meal or pellets and resells the same to a feeder. It includes a crusher where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds any soybean oil meal, cake, pea size meal or pellets to animals or poultry.

"Carload lot" means a lot of soybean oil meal, cake, pea size meal or pellets of 30 tons or more.

"Less than carload lot" means a quantity other than a carload or pool car lot, and includes truck quantities.

"Pool car lot" means a railroad car lot in which two or more buyers have combined for the purpose of obtaining a carload rail freight rate.

"Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sale of domestic soybean oil meal, cake, pea size meal and pellets other than that specified in section 5 hereof, by processors.* (a) The maximum price for the sale and delivery of domestic soybean oil meal and cake, per ton, in carload lots or pool car lots, bulk, 41 per cent or more protein, at any point, except within the switching limits of Decatur, Illinois, (including production plant) by a processor shall be $45.00 plus transportation charges at the lowest domestic carload proportional all rail rate (or, if none, the lowest domestic carload flat all rail rate) from Decatur, Illinois, to said point of sale and delivery by a usual route.

(b) The foregoing maximum prices shall be increased at the rate of $1.50 per ton for a like sale and delivery of a like quality of soybean pea size meal or pellets.

(c) The foregoing maximum prices shall be increased at the rate of $1.80 per ton for sales and deliveries of soybean oil meal, cake, pea size meal and pellets within the switching limits of Decatur, Illinois.

(d) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any soybean oil meal, cake, pea size meal or pellets in a less than carload lot.

SEC. 5. *Maximum prices for sale of domestic soybean oil meal, cake, pea size meal or pellets owned or under contract by a processor on July 31, 1943, or produced from soybeans of the 1942 crop, by a processor.* (a) The maximum price for the sale and delivery of domestic soybean oil meal, cake, pea size meal or pellets which is owned or under contract by a processor on July 31, 1943, or which is produced from soybeans of the 1942 crop, per ton, in carload lots or pool car lots, bulk, 41 per cent or more of protein at any point (including production plant), by a processor shall be $2.00 per ton above the minimum trade prices specified in the Processors' Contracts, 1942 Soybean Program of the Commodity Credit Corporation.

(b) The foregoing maximum prices shall be increased at the rate of $1.00 per ton for a sale of any soybean oil

*Copies may be obtained from the Office of Price Administration.

meal, cake, pea size meal or pellets in a less than carload lot.

(c) The maximum prices established by this section shall be applicable to all processors irrespective of whether or not the above named Processors' Contracts are in effect.

SEC. 6. *Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by jobbers.* The maximum price for the sale of domestic soybean oil meal, cake, pea size meal or pellets by a jobber shall be 50 cents per ton (maximum markup) for sales in carload lots, and $1.00 per ton (maximum markup) for sales in less than carload lots or in pool car lots, over the maximum price which he could lawfully have paid a crusher for the quantity and quality purchased by him and which he is reselling plus transportation charges actually incurred by the seller in respect to the lot sold.

SEC. 7. *Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by wholesalers.* The maximum price for the sale of domestic soybean oil meal, cake, pea size meal or pellets by a wholesaler shall be $2.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor or jobber for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 8. *Maximum prices for sales of domestic soybean oil meal, cake, pea size meal or pellets by retailers.* The maximum price for the sale of domestic soybean oil meal, cake, pea size meal or pellets by a retailer shall be $5.50 per ton (maximum markup) over the maximum price which he could lawfully have paid the processor, jobber or wholesaler for the quantity and quality purchased (from out of which lot the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 9. *Maximum prices for sales of imported soybean oil meal, cake, pea size meal or pellets.* (a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported soybean oil meal, cake, pea size meal or pellets shall be the maximum price for a sale by a processor of a like quantity and quality of the domestic product.

(b) Jobbers, wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted markups as above provided as to domestic products over the basic maximum price of the imported products as provided in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof as above provided if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 10. *Maximum prices in other cases.* (a) The maximum price for the sale of any soybean oil meal, cake, pea size meal or pellets by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided,* That no such sale, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 11. *Increases for sacks.* When any seller has bulk domestic or imported soybean oil meal, cake, pea size meal or pellets and desires to sell the same sacked the foregoing maximum prices where determined on a bulk basis shall be increased at the following rates per ton.

(a) In seller's sacks, the reasonable market value of the sacks used, not exceeding any maximum price thereon at the time of the sale or delivery: *Provided,* That if the sacks were purchased from the buyer by the seller, the seller shall not charge more than the price he paid for such sacks.

(b) In buyer's new or recleaned sacks, $.50.

(c) In buyer's sacks of any other kind, $1.00.

SEC. 12. *Sales of soybean oil meal, cake, pea size meal or pellets on basis of guaranteed minimum percentage of protein.* No person shall sell any domestic or imported soybean oil meal, cake, pea size meal or pellets except on the basis of a specified guarantee minimum percentage of protein therein.

SEC. 13. *Maximum prices for export sales.* The maximum price for export sales of soybean oil meal, cake, pea size meal or pellets shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

Article III—Miscellaneous Provisions

SEC. 14. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 15. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this regulation alone or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 16. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of soybean oil meal, cake, pea size meal or pellets after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.

SEC. 17. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

Effective date. This regulation shall become effective July 31, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12455; Filed, July 31, 1943; 2:41 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 182,[1] Amdt. 8]

KRAFT WRAPPING PAPERS, AND CERTAIN BAG PAPERS AND BAGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

[1] 8 F.R. 4132, 7662.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5712, 6043, 7974, 8997, 8948, 9724, 10811; 8 F.R. 4252, 4180, 7196.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

The last sentences of the following subparagraphs of § 1347.311 (a) are amended to read as follows:

(7) Manufacturers of "No. 1 Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "No. 1 Kraft" or state on the invoice, when selling such grade, that such rolls or bundles are "No. 1 Kraft." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "No. 1 Kraft."

(8) Manufacturers of "Superstandard Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the word "Superstandard" or state on the invoice, when selling such grade, that such rolls or bundles are "Superstandard." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "Superstandard."

(9) Manufacturers of "Imitation Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "Imitation Kraft" or state on the invoice, when selling such grade, that such rolls or bundles are "Imitation Kraft." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "Imitation Kraft."

(11) Manufacturers of "No. 1 unbleached Kraft butchers wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "No. 1 Kraft butchers" or state on the invoice, when selling such grade, that such rolls or bundles are "No. 1 Kraft butchers." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "No. 1 Kraft butchers."

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12535; Filed, August 2, 1943; 11:46 a. m.]

PART 1382—HARDWOOD LUMBER

[Rev. MPR 97,[1] Amdt. 6]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The last three undesignated paragraphs following Table 32, Construction Boards, in § 1382.112 (b) are deleted. The first sentence of the deleted portion begins as follows: "Any mill which has, prior to November 1, 1942, * * *."

The last line of the deleted portion reads as follows: "No deliveries on such contracts may be made after January 30, 1943."

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12536; Filed, August 2, 1943; 11:45 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 30]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. The definition of "house slippers" is added in section 3.13 to read as follows: "House slippers" means any footwear constructed exclusively for indoor or house wear, but the term does not include footwear made with any cattle hide leather in the upper, or with grain leather outsoles (other than heads, bellies, shins and shanks of five iron or less), or with any rubber in the outsole, if such footwear was shipped from the factory in the United States after August 31, 1943, or imported into the United States after August 31, 1943.

2. The definition of "shoes" in section 3.13 is amended by deleting the words "boudoir or".

This amendment shall become effective August 7, 1943.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12537; Filed, August 2, 1943; 11:47 a. m.]

PART 1405—FERRO ALLOYS

[Rev. MPR 138,[1] Amdt. 1]

FERROMANGANESE AND MANGANESE ALLOYS AND METALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 138 is amended in the following respects:

1. In the specifications for standard grade high carbon ferromanganese set out in section 1 (a) the silicon maximum is changed from 1.25 percent to 1.50 percent.

2. In section 2 (b) the premiums applicable to electrolytic grade, manganese metal are changed as follows:

Less than 2,000 pounds: changed from $.0040 to $.0400.

Sales for delivery, western zone: changed from $.0055 and $.0305 to $.0335 and $.0475 for carload lots and less than carload lots, respectively.

3. A new section 5a is added as follows:

SEC. 5a. *Sales by independent warehousemen.* The maximum price at which an independent warehouseman may sell ferromanganese, manganese alloys or metal shall be the maximum price at which the quantity and grade sold by him could be sold by a producer for delivery to his warehouse, plus the following differentials or premiums:

500 lbs. and over—10% to price determined as above.

Less than 500 lbs. down to 100 lbs.—15% to price determined as above.

100 lbs. and less—20% to price determined as above.

The maximum price for independent warehousemen is f. o. b. warehouse with no allowance for freight.

For the purpose of this section "independent warehouseman" means a private seller, other than a manufacturer of ferromanganese, manganese alloys or metal or a subsidiary or affiliate thereof who renders the service of maintaining a stock of ferromanganese, manganese alloys or metal for the convenience of buyers who desire to purchase small quantities or to receive quick delivery.

This amendment shall become effective Aug. 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12531; Filed, August 2, 1943; 11:44 a. m.]

[1] 8 F.R. 8864.

[1] 8 F.R. 142, 3530, 5177, 5479, 8860.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3953, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 6046, 6687, 7198, 7216, 8061, 8064, 8357, 8601, 9062, 9422, 9567, 9884, 10269.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 52]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The definition of "Rationed cheeses" in section 1.1 (a) (3) and section 24.1 (a) is amended by adding, at the end of each, the following:

It does not include "whey product", nor does it include any cheese in the manufacture of which neither cow's milk nor milk solids derived from cow's milk are used.

2. The first sentence of section 7.11 (a) is amended by inserting after the words "other than" the words "for the care and treatment of the sick or".

3. Section 24.1 (a) is amended by inserting between the definition of "Washington Office" and the definition of "Wholesale establishment" the following definition:

"Whey product" means a product containing not more than 25 per cent butterfat in the dry matter, made from whey or from whey and other ingredients by coagulating or concentrating the solids, if the whey is at least 90 per cent of the total volume. It includes the products known as primost, mysost, gjetost and ricotta.

4. Section 30.2 is amended by inserting between the word "Epididymes" and the words "Hog lungs" the words "Gullets, closely trimmed".

This amendment shall become effective August 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12538; Filed, August 2, 1943; 11:46 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Correction to Rev. MPR 183[2]]

PUERTO RICO

Revised Maximum Price Regulation 183 is corrected in the following respects:

1. Section 20, Table 3 is corrected by changing the price to wholesaler of Canned apricots, Signet (halves), Case 12 2½ (glass) from "$3.25" to "$3.25".

2. Section 20, Table 3 is corrected by changing the price to wholesaler of Canned fruit salad, S & W, Case of 24 2½ cans from "$9.50" to "$9.40".

3. Section 20, Table 3 is corrected by changing the unit of Canned peaches, Yellow Cling (sliced), Signet from "Case of 24 #1 (glass)" to "Case of 24 #1 (glass) tall".

4. Section 20, Table 3 is corrected by changing the unit of Canned pears, Bartlett (Quartered) Signet from "Case of 12 #2½ cans" to "Case of 12 #2½ (glass)".

5. Section 20, Table 3 is corrected by changing the price at wholesale of Canned plums, Del Monte (DeLuxe) from "$2.80" to "$2.60".

6. Section 23, Table 7 is corrected by changing the retail price of Canned soup Heinz (old style) Genuine turtle, Case of 24 15 oz. cans from "$.12" to "$.18".

7. Section 25, Table 10 is corrected by changing the retail price of Canned asparagus, Exquisite (medium green Tips), Case of 24 #1 square cans from "$.55" to "$.53".

8. Section 25, Table 10 is corrected by changing the grouping under the category Canned carrots of the five items now described as both Case of 72 8¼ oz. cans and Case of 72 8 oz. cans to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned carrots:				*Per container*
Fancy, diced:				
Premier	Case of 72 8¼-oz. cans	$5.00	$5.75	$0.10
S & W	Case of 72 8¼-oz. cans	5.00	5.75	0.10
Lily of the Valley	Case of 72 8-oz. cans	5.00	5.75	0.10
Premier		5.00	5.75	0.10
Royal Scarlett		6.00	6.90	0.12

9. Section 25, Table 10 is corrected by changing the description of Canned corn, Stokeley from "Standard white sweet whole kernel" to "Standard white cream, whole kernel."

10. Section 25, Table 10 is corrected by changing the brand names of Canned peas, Dried, "Glo-Hay" and "Prime" to "Glo-Ray" and "Primo", respectively.

11. Section 35, Table 22 is corrected by adding the headnotes to read as follows:

TABLE 22.—MAXIMUM PRICES FOR CORN MEAL

	Sales to wholesalers and industrial users (price per 98# bag)	Sales at wholesale (price per 98# bag)	Sales at retail (price per pound)
Corn meal	$4.75	$5.10	$0.06

12. Section 36, Table 23 is corrected by changing the price at wholesale of Quaker Farina, Case of 12/28 oz. from "$2.78" to "$2.73" and by adding the item "Corn flakes" to the category Kellogg to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Kellogg Corn flakes	Case 36/6 oz. pkgs	$2.70	$3.05	$0.11

13. Section 39, Table 27 is corrected by deleting the word "locally" from the title of the table.

14. Section 40, Table 29 is corrected by changing the price at wholesale of Processed cheddar, loaves weighing more than two pounds each from "$34.5" to "$.345".

15. Section 40, Table 30 is corrected by changing the headnote "At retail price per pound" to "At retail price per can".

16. Section 40, Table 31 is corrected by changing the title from "Maximum Prices for Klim and Nido Brands of Powdered Whole Milk" to "Maximum Prices for Klim, Nido, Kraft and Golden State Brands of Powdered Whole Milk".

17. Section 45, Table 37 is corrected by changing the prices of Neck bone, dry salt and Pigs feet, dry salt on sales to wholesalers and sales at wholesale from "$.750" and "$.820" to "$.075" and "$.082", respectively.

This correction shall become effective as of July 15, 1943.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12532; Filed, August 2, 1943; 11:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 9]

CANE BLACKSTRAP MOLASSES AND BEET SUGAR FINAL MOLASSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

1. The text of section 1.6 (a) preceding subparagraph (1) is amended to read as follows:

(a) *Maximum prices.* The maximum prices for sales of cane blackstrap molas-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138, 6181, 6446, 6614, 6620, 6687, 6840, 6950, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8540, 8614, 8869, 9025, 9013, 9217, 9305, 9886, 10085.

[2] 8 F.R. 9532.

ses and beet sugar final molasses produced in the continental United States by producers thereof and by distributors other than those exempted in paragraph (b) shall be the applicable maximum prices set forth in this paragraph (a), or the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation, whichever is higher. Sellers pricing their tank carlot sales of a type of molasses under § 1499.2 of the General Maximum Price Regulation are not precluded from pricing their less than tank carlot sales of that type of molasses under subparagraph (2) below.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12539; Filed, Aug. 2, 1943; 11:45 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 27,[1] Amdt. 4]

DESIGNATION OF 24 DEFENSE-RENTAL AREAS AND RENT DECLARATION TO SUCH AREAS

Designation and Rent Declaration 27 is amended in the following respects:

1. In § 1388.1301 Items 6 (Aberdeen, Mississippi), 12 (Hobbs), 15 (Chickasha), 17 (Warren, Pennsylvania), and 20 (Murfreesboro) are hereby revoked to add these areas to other defense-rental areas.

2. In § 1388.1301 Items 10 (Carlsbad) and 14 (Mansfield) are amended to read as follows:

(10) Carlsbad, New Mexico, Counties of Eddy and Lea.

(14) Mansfield, Ohio, Counties of Ashland, Crawford, Knox and Richland.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12467; Filed, July 31, 1943; 2:46 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

PILOT RULES.

By virtue of the authority vested in me by Rules 7, 12, R. S. 4233, as amended; sec. 1, Rule 7, 28 Stat. 646; sec. 2, 30 Stat. 102, 38 Stat. 381 (33 U.S.C. 316, 321, 256, 157), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations are prescribed:

[1] 7 F.R. 4232; 8 F.R. 1228, 1748, 9021.

PART 312—PILOT RULES FOR INLAND WATERS

Section 312.15 *Ferryboats* is amended by changing the name "Merchant Marine Inspectors in Charge" to "Officers in Charge, Marine Inspection" in the last undesignated paragraph.

PART 322—PILOT RULES FOR THE GREAT LAKES

Section 322.18 *Lights for ferryboats* is amended by changing the name "Merchant Marine Inspectors in Charge" to "Officers in Charge, Marine Inspection" in the last undesignated paragraph.

PART 332—PILOT RULES FOR WESTERN RIVERS

Section 332.14 *Lights for ferryboats* is amended by changing the name "Merchant Marine Inspectors in Charge" to "Officers in Charge, Marine Inspection" in the last undesignated paragraph.

R. R. WAESCHE,
Commandant.

[F. R. Doc. 43-12408; Filed, July 31, 1943; 10:54 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 13—SERVICEMEN'S DEPENDENTS ALLOWANCE

JOINT REGULATIONS UNDER SERVICEMEN'S DEPENDENTS ALLOWANCE ACT OF 1942

SEC. 13.1 *Period of entitlement and payment of family allowances.* Under provisions of the Servicemen's Dependents Allowance Act of 1942, approved June 23, 1942, the Secretary of War and the Secretary of the Navy prescribe jointly the following regulations to fix the dates of commencement and termination of monthly allowances and for related action.

(a) Payments of monthly family allowances shall be for periods of full calendar months.

(b) The period of entitlement and payment of family allowances, including increases therein, shall begin the first day of the calendar month during which application is filed unless otherwise hereinafter provided:

(1) The period of entitlement and payment shall not begin prior to the first day of the calendar month during which the enlisted man enters upon active service in a pay status.

(2) The period of entitlement and payment in any case of an enlisted man who was in active service on June 23, 1942, shall begin the first day of June 1942 if he was in active service on June 1, 1942, and otherwise shall begin the first day of July 1942; *Provided*, Application is filed within such period as the Secretary of the department concerned approves in the special case.

(3) The period of entitlement and payment of a Class B family allowance shall begin the first day of any calendar month later than that hereinbefore prescribed when requested by the enlisted man or when so determined by the Secretary of the department concerned in any case in which it is impracticable for the enlisted man to request the payment.

(4) The period of entitlement and payment in the case of a dependent acquired after a man enters in active service in a pay status shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired. Any increase in entitlement and payment shall similarly not begin prior to the first day of the calendar month following the month in which the dependent becomes eligible to such increase.

(5) The increased Government's contribution incident to the birth of a legitimate child shall be effective with the first day of the calendar month following the birth of such child.

(6) The period of entitlement and payment in the case of a dependent where an enlisted man is reduced to the fourth or lower pay grade shall be effective with the first day of the month in which such reduction occurs, except that in the case of a dependent acquired after the effective date of such reduction, the period of entitlement and payment shall not begin prior to the first day of the calendar month following the month in which such dependent was acquired.

(c) The period of entitlement and payment of family allowances shall terminate or entitlement and payment shall be decreased as follows:

(1) The period of entitlement and payment in any case of death, discharge or change of status of the enlisted man which makes his dependents ineligible to receive family allowances, shall terminate at the end of the calendar month during which notice of such death, discharge or change of status is received by the disbursing officer paying the allowances.

(2) In any case of death, change in the status of a dependent or other circumstance which terminates the eligibility of such dependent to receive a family allowance or reduces the amount thereof, the period of entitlement shall cease with the calendar month in which such death, change or other circumstance occurs. Payment shall be terminated or appropriately reduced at the end of the period of entitlement above prescribed when practicable; otherwise not later than the end of a subsequent calendar month during which the disbursing officer paying the allowance receives notice of such death, change or other circumstance.

(3) The period of entitlement and payment shall terminate as of the end of the calendar month during which any written request submitted by an enlisted man for termination of a family allowance to his Class B dependent or dependents is received by the disbursing officer paying the allowance unless the enlisted man's request is for termination at the end of a subsequent calendar month.

(d) Making or not making deductions from or charges against the pay of the enlisted man shall not operate to modify or abrogate the prescribed period of entitlement and payment of family allowances.

(56 Stat. 383, 747; 37 U.S.C. Supp. 207)

These regulations shall be effective beginning the first day of August 1943.

Approved: July 19, 1943.

HENRY L. STIMSON,
Secretary of War.
FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 43-12502; Filed, July 31, 1943; 11:24 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

NATIONAL SERVICE LIFE INSURANCE

§ 10.3471 *Parents, brothers, and sisters of illegitimates.* If the insured was born an illegitimate and not legitimatized before his death, the terms "parent", "father", "mother", "brother" and "sister" employed in the National Service Life Insurance Act, as amended, shall include as to relationship by consanguinity:

(a) The mother;

(b) The father, only if he shall establish that he can meet "in loco parentis" requirements of the act;

(c) Brothers or sisters, only if children of the same mother. (October 8, 1940.) (54 Stat. 1012; 38 U.S.C. 806)

FRANK T. HINES,
Administrator.

[F.R. Doc. 43-12377; Filed, July 30, 1943; 4:22 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 451—BOAT AND FLOATING WHARF PRIVILEGES ON CERTAIN RESERVOIRS[1]

DEER CREEK RESERVOIR-PROVO RIVER PROJECT, UTAH

1. *Permits.* Any person desiring to keep or operate a boat or boats, on the Deer Creek Reservoir shall first be required to obtain a permit to do so from the Construction Engineer, Bureau of Reclamation, Provo, Utah, or his authorized representative, the gatetender, at Deer Creek Dam. For the issuance of such permit there will be charged the sum of $1.00 per calendar year for each rowboat or canoe, the sum of $1.50 per calendar year for each power boat or sailboat and the sum or $5.00 per calendar year for each houseboat. Where any such boat is used or maintained for hire, a charge of $2.00 per calendar year for each rowboat, $3.00 for each power or sailboat and $10.00 for each houseboat shall be made. Boats equipped with small outboard motors of 3 h. p. or less shall be considered as rowboats. The Construction Engineer will furnish the permittee license numbers for each boat, which must be displayed in a conspicuous place on the outer sides of each boat, and the permittee shall keep in his possession and available for inspection the permit so granted him.

2. *Rates to be charged by permittees.* Where boats are used for hire or for the carriage of persons or property for compensation, the permittee shall file with the Construction Engineer certified copies of schedule rates to be approved in advance of effective date by Construction Engineer: *Provided,* That the rates to be charged persons engaged in the survey, construction, and operation or maintenance of the Deer Creek Dam and Reservoir or any works in connection therewith shall not exceed one-half of such rates.

3. *Rowboats and canoes.* Each boat shall, when in use at any time between sunset and sunrise, carry a lantern or other suitable light visible all around the horizon.

4. *Sailboats and power boats.* (a) Each boat shall be provided with an anchor of sufficient size and rope of sufficient length and strength to hold the boat in case of accident; with two or more oars; and with efficient life preservers equal in number to the maximum number of persons to be carried.

(b) Each boat shall be provided with a whistle or other sound producing mechanical appliance capable of producing a blast of two seconds, or more, duration. A mouth whistle than can be heard at least one-half mile will be held in compliance with this rule. Each boat shall, when in use at any time between sunset and sunrise, carry a lantern or other suitable light visible all around the horizon.

5. *Rules of travel.* (a) When boats are approaching each other head-on so nearly as to endanger collision, it shall be the duty of each to turn to the right and to pass to the port, or left, side of the order.

(b) Whenever powerboats are so approaching, either boat shall give, as a signal of her intentions, one short and distinct blast of her whistle which the other boat shall answer promptly by a similar blast of her whistle, and thereupon each boat shall pass on the port, or left, side of the other.

(c) If the course of the approaching boats are so far to the starboard, or right, side of each other as not to endanger collision, either boat shall give two sharp and distinct blasts of her whistle as an indication of her intention to continue on her course, which the other boat shall answer promptly by two smaller blasts of her whistle, and thereupon each boat shall pass on the starboard, or right, side of the other.

(d) When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard, or right, side shall keep out of the way of the other boat.

(e) A boat overtaking any other boat shall keep out of the way of the overtaken boat.

(f) No boat will be permitted to enter restricted areas as marked by suitable signs and buoys, designating such areas.

(g) No boats will be permitted to be used in the reservoir between the hours of 10:30 p. m. and 4:30 a. m.

6. *Responsibility of owners.* Boats, which in the opinion of the Construction Engineer, whose opinion shall be final and conclusive, are not properly constructed, operated or maintained, shall not be permitted to be placed or remain on the waters of the reservoir. Boats found floating loose on the reservoir will be taken up and the permittees shall be liable to the United States for any expense incurred in making the boat secure. Owners of power boats shall not permit the operation thereof for passenger service by any person not competent to handle the machinery.

7. *Order.* No intoxicated person shall be permitted upon land within the reservoir area belonging to the United States or boats on the waters of the reservoir, nor shall any person take any intoxicating liquor upon such land or boat. The person in charge of such boat shall preserve order therein and shall extend courteous treatment to passengers and persons therein.

8. *Firearms.* The carrying of firearms, or possession of dangerous instrumentalities, in or upon the land within the reservoir area belonging to the United States or in or on any boat by any person shall not be permitted. Special written authority from the Construction Engineer must be had for the storage of gasoline and oil by any permittee.

9. *Sanitation.* No bottles, cans, garbage, rubbish or refuse of any kind shall be thrown into the waters of the reservoir, but the same shall be disposed of as directed by the Construction Engineer, and the permittee shall locate and construct outhouses and cesspools as directed by the Construction Engineer, and shall observe all sanitary regulations for the reservoir area which may be promulgated by the Construction Engineer.

10. *Fishing and hunting.* Fishing in the waters of the reservoir will be permitted upon compliance with the laws, rules and regulations prescribed by the State of Utah. Hunting of any kind is prohibited on the reservoir or the lands bordering thereto. For the duration of the present emergency, and until hereafter changed by the Construction Engineer, no person will be permitted on property of the United States within 4,000 feet above and 3,000 feet below the Deer Creek Dam and appurtenant works as indicated by signs and buoys.

11. *Violation of regulations.* The permit of any person, violating any of the foregoing regulations, may be revoked by the Construction Engineer and such person shall remove his boat from the reservoir and lands belonging to the United States; failing to do so, the boat may be impounded and sold or otherwise disposed of by the United States without liability of the United States to the owner.

[1] Affects tabulation in Part 451.

12. *Waiver of liability.* The main purpose of the Deer Creek Reservoir is to impound water for irrigation and other regulatory purposes. Accordingly, any person at any time going in or upon the water thereof or upon any of the structures or lands upon the margin thereof or upon adjacent lands belonging to the United States and held or reserved for the use in connection therewith, whether as licensee or permittee of the United States or otherwise, thereby assumes all risk of injury to or death of himself or damages to or destruction of property resulting directly or indirectly, wholly or in part, from said reservoir or appurtenant structures or their construction, operation and control by the United States.

13. *Permitees; requisites.* Any person who is a citizen of the United States, at least 21 years of age, and in good standing in the community in which he lives shall be entitled to a permit as hereinabove provided.

14. *Permits; revocation of.* Because of present emergency conditions, the Construction Engineer may at any time without prior notice to the permittee revoke the permit granted hereunder. If the permit is revoked for a violation of law or these regulations no refund shall be allowed. Otherwise, the permittee will be allowed a proportionate refund of his permit fee, as the unexpired portion of time under his permit bears to the calendar year.

15. The term "Construction Engineer" used herein or in connection herewith, shall be construed to mean the Construction Engineer or any other properly authorized employee of the Bureau of Reclamation with authority to act for him.

Approved: July 17, 1943.

MICHAEL W. STRAUS,
First Assistant Secretary.

[F. R. Doc. 43-12488; Filed, July 31, 1943; 12:57 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL AND WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4403, 4405, 4417, 4417a, 4418, 4421, 4426, 4427, 4437, 4438, 4453, 4456, 4481, 4482, 4488, 4491, as amended, 49 Stat. 1544 54 Stat. 163–167 (46 U S C. 372, 375, 391, 391a, 392, 399, 404, 405, 413, 228, 435, 438, 474, 475, 481, 489, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, approval, and withdrawal of approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter F—Marine Engineering

PART 50—GENERAL PROVISIONS

Part 50 is amended by changing a name as follows:

In § 50.1 "local inspectors" to "Officer in Charge, Marine Inspection".

Section 50.2 is amended by changing paragraphs (a), (b), (c), and (d), and by adding a new paragraph (i), which reads as follows:

§ 50.2 *Definition of terms.* * * *

(a) Commandant means the Commandant of the Coast Guard.

(b) District Coast Guard Officer means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(c) Officer in Charge, Marine Inspection, means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the District Coast Guard Officer is in charge of an inspection district for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(d) Marine inspector or inspector means any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

* * * * *

(i) Headquarters means the Office of the Commandant, Washington, D. C.

PART 51—MATERIALS

Part 51 is amended by changing names and certain phrases as follows:

a. In §§ 51.1–4, 51.1–12, and 51.1–18 "bureau" to "Commandant".

b. In §§ 51.1–2, 51.1–5, 51.1–6, 51.1–8, 51.1–11, and 51.20–10 "Director" to "Commandant".

c. In §§ 51.1–2, 51.1–3, 51.1–12, 51.1–13, "bureau" to "Coast Guard".

d. In § 51.1–2 "local inspection district" to "inspection district".

e. In §§ 51.1–8, and 51.1–14 "supervising inspector" to "District Coast Guard Officer".

f. In §§ 51.1–8, and 51.1–14 "local inspectors" to "Officer in Charge, Marine Inspection".

g. In § 51.1–14 "local board" to "Officer in Charge, Marine Inspection".

h. In § 51.1–13 "B. M. I. N." to "U. S. C. G." (official stamp).

NOTE: In addenda No. 1, dated October 17, 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 52—CONSTRUCTION

Part 52 is amended by changing names and certain phrases as follows:

a. In §§ 52.1–8, 52.1–12, 52.2–5, and 52.15–11 "board" to "Commandant".

b. In §§ 52.5–2, 52.13–3, 52.14–2, and 52.16–1 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 52.1–2, 52.1–5, 52.1–15, 52.1–18, 52.13–2, and 52.14–2 "Director" to "Commandant".

d. In §§ 52.1–13, 52.1–17, and 52.13–2 "bureau" to "Commandant".

e. In §§ 52.1–2, 52.1–6, and 52.14–5 "bureau" to "Coast Guard".

f. In §§ 52.13–2, 52.14–2, 52.14–5, and 52.16–1 "this bureau" to "the Coast Guard".

g. In §§ 52.1–5, and 52.14–2 "supervising inspector" to "District Coast Guard Officer".

h. In §§ 52.1–2, 52.1–4, 52.1–5, 52.1–6, 52.1–7, 52.1–10, 52.1–11, 52.1–14, 52.14–3, 52.14–5, and 52.16–1 "local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 52.14–5 "board and local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 52.14–5 "local board" to "Officer in Charge, Marine Inspection".

k. In § 52.14–2 "local board of inspectors" to "Officer in Charge, Marine Inspection".

l. In §§ 52.1–3, 52.1–4 "local inspector of boilers" to "Officer in Charge, Marine Inspection".

m. In § 52.1–6 "in the office of the Director" to "at Headquarters".

n. In § 52.1–10 "local district" to "inspection district".

o. In § 52.1–2 "Supervising and local inspectors" to "inspectors".

p. In § 52.1–14 "local inspection district" to "inspection district".

NOTE: In addenda No. 1, dated October 17, 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 53—INSTALLATION

Part 53 is amended by changing names as follows:

a. In § 53.17–4 "this bureau" to "the Coast Guard".

b. In § 53.17–1 "local inspectors" to "Officer in Charge, Marine Inspection".

PART 54—INSPECTION

Part 54 is amended by changing names and certain phrases as follows:

a. In § 54.18–3 "this bureau" to "the Coast Guard".

b. In §§ 54.18–2, and 54.18–12 "BMIN" to "USCG".

c. In §§ 54.18–5, and 54.18–12 "local inspectors" to "Officer in Charge, Marine Inspection".

d. In § 54.18–4 "both the hull and boiler inspectors, and the hull inspector, as well as the boiler inspector" to "the inspectors and they".

e. In § 54.18–6 "jointly by both boiler inspector and hull inspector" to "by inspectors".

f. In § 54.18–12 "U. S. inspector" to "U. S. Coast Guard".

g. In § 54.18–12 "USI" to "USCG".

NOTE: In addenda No. 1, dated October 17, 1942, the title "local inspectors" was editorially changed to "Merchant Marine Inspector in Charge", which should be changed to "Officer in Charge, Marine Inspection".

PART 55—PIPING SYSTEMS

Part 55 is amended by changing names and certain phrases as follows:

a. In § 55.19–15 "Secretary of Commerce" to "Commandant".

b. In §§55.19–3, and 55.19–8 "Director" to "Commandant".

c. In § 55.19–3 "Board of Supervising Inspectors" to "Commandant".

d. In §§ 55.19–8, and 55.19–11 "board" to "Commandant".

e. In § 55.19–15 (a) "bureau" to "Commandant".

f. In § 55.19–15 (h) "bureau" to "Coast Guard".

g. In § 55.19–3 "this bureau" to "the Coast Guard".

h. In §§ 55.19–2, 55.19–10, 55.19–12, 55.19–13, and 55.19–15 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In addenda No. 1, dated October 17, 1942, the title "local inspectors" was editorially changed to "Merchant Marine Inspector in Charge", which should be changed to "Officer in Charge, Marine Inspection".

PART 56—FUSION WELDING

Part 56 is amended by changing names and certain phrases as follows:

a. In §§ 56.20–3, and 56.20–19 "Director" to "Commandant".

b. In §§ 56.20–3 and note, 56.20–5, and 56.20–19 "bureau" to "Coast Guard".

c. In § 56.20–3 (a) with note "this bureau" to "the Coast Guard".

d. In § 56.20–19 "a representative of the bureau" to "an inspector".

PART 57—SUPPLEMENTARY DATA AND REQUIREMENTS

Part 57 is amended by changing names and certain phrases as follows:

a. In §§ 57.21–3, 57.21–4, 57.21–14, and 57.21–18 "Director" to "Commandant".

b. In § 57.21–3 (f) "Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C." to "the Commandant (OMI), U. S. Coast Guard, Washington, D. C."

c. In § 57.21–2, form 935A, "Board of Supervising Inspectors" to "Commandant".

d. In § 57.21–2, heading on form 935A, "Bureau of Marine Inspection and Navigation" to "Commandant, U. S. Coast Guard".

e. In § 57.21–2, in body of form 935A, "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 57.21–2 "Department of Commerce, Bureau of Marine Inspection and Navigation" is deleted.

g. In §§ 57.21–3, 57.21–6 figure S–2–A, 57.21–13, 57.21–24, and 57.21–25 "this bureau" to "the Coast Guard".

h. In § 57.21–3 "bureau" to "Coast Guard".

i. In § 57.21–31 "B. M. I. N." to "U. S. C. G."

j. In §§ 57.21–4, 57.21–5, 57.21–8, and 57.21–15 "local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 57.21–4, and 57.21–14 "board of local inspectors" to "Officer in Charge, Marine Inspection".

l. In § 57.21–15 "local board of inspectors" to "Officer in Charge, Marine Inspection".

m. In § 57.21–18 "form 935F" to "form NCG 935A".

n. In § 57.21–25 "official form 935F" to "form NCG 935A".

PART 58—BOILER PLATE; BOILERS AND ATTACHMENTS

Part 58 is amended by changing names and certain phrases to read as follows:

a. In §§ 58.04, 58.15, 58.20, 58.23, 58.24, 58.27, and 58.28 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 58.20 "Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C." to "the Commandant (OMI), U. S. Coast Guard, Washington, D. C."

c. In § 58.20 "Director of the Bureau of Marine Inspection and Navigation at Washington, D. C." to "Commandant".

d. In § 58.29 "Bureau of Marine Inspection and Navigation" to "Commandant".

e. In §§ 58.3, 58.13, 58.23, 58.24, and 58.28 "Board of Supervising Inspectors" to "Commandant".

f. In § 58.20 "Board of Supervising Inspectors, Steamboat Inspection Service" to "Commandant".

g. In § 58.24 "Board of Supervisory Inspectors" to "Commandant".

h. In §§ 58.13, and 58.24 "board" to "Commandant".

i. In § 58.13 "this board" to "the Commandant".

j. In § 58.24 "said board" to "the Commandant".

k. In § 58.24 "jurisdiction of the Board of Supervising Inspectors" to "jurisdiction of the Coast Guard".

l. In §§ 58.07, and 58.20 "Steamboat Inspection Service" to "Coast Guard".

m. In §§ 58.15, and 58.27 "this service" and "service" to "Coast Guard", respectively.

n. In § 58.25 "this bureau" to "the Coast Guard".

o. In § 58.02 "supervising inspector" to "District Coast Guard Officer".

p. In § 58.6 "local or supervising inspectors" to "Officer in Charge, Marine Inspection, or District Coast Guard Officer".

q. In § 58.1 "local inspector of boilers" to "Officer in Charge, Marine Inspection".

r. In § 58.24 "supervising and local inspectors" to "inspectors".

s. In § 58.1 "office of the local inspectors" and "local inspectors' office" to "inspection office".

t. In § 58.1 "inspectors" to "Officer in Charge, Marine Inspection".

u. In §§ 58.02, 58.03, 58.4, 58.14, 58.20, 58.21, 58.24, 58.25, 58.27, and 58.28 "local inspectors" to "Officer in Charge, Marine Inspection".

v. In § 58.01 "United States Steamboat Inspection Service" to "Coast Guard".

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Part 59 is amended by changing names and certain phrases as follows:

a. In § 59.3 (c) "the Secretary of Commerce is authorized by the Seamen's Act" to "the Commandant is authorized by the Seamen's Act and Executive Order No. 9083 (7 F.R. 1609)".

b. In §§ 59.13, 59.15, 59.19, 59.26, 59.31, 59.42, 59.47, 59.56, and 59.57 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 59.3, 59.3a, 59.16, and 59.68 "board" to "Commandant".

d. In § 59.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In § 59.3 (h) "bureau" to "Commandant".

f. In § 59.3 (n) "bureau" to "Coast Guard".

g. In § 59.4 (e) "the bureau" to "Headquarters".

h. In §§ 59.13, 59.14, 59.15, 59.42, 59.43, and 59.61 "supervising inspector(s)" to "District Coast Guard Officer(s)".

i. In §§ 59.40, 59.54a (h), 59.56 (1), and 59.61 (f) (1) "supervising inspector of the district" to "District Coast Guard Officer".

j. In § 59.55 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

k. In § 59.8 "local inspectors" to "the Officer in Charge, Marine Inspection".

l. In § 59.3 (e) "officer designated by the Director of the Bureau of Marine Inspection and Navigation" to "inspector".

m. In §59.54a (h) "inspector of the Bureau of Marine Inspection and Navigation" to "inspector".

n. In §§ 59.30, and 59.45 "inspector of this bureau" to "inspector".

o. In §§ 59.14, and 59.43 "assistant or local inspector" to "inspector".

p. In § 59.56 (1) "a local or assistant inspector" to "an inspector".

q. In §§ 59.3, and 59.3a "B. M. I. N." to "U. S. C. G."

r. In §§ 59.14, 59.43, and 59.54a (h) "U. S. I." to "U. S. C. G."

Part 59 is amended by the addition of a new § 59.01, which is to precede § 59.1, reading as follows:

§ 59.01 *Definition of terms.* Certain terms used in the regulations in this subchapter are defined as follows:

(a) *Commandant.* This term means Commandant of the Coast Guard.

(b) *District Coast Guard Officer.* This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, R.S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(c) *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the District Coast Guard Officer, is in charge of an inspection district for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, R.S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(d) *Marine inspector or inspector.* These terms mean any person from the

civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, R.S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

(e) *Headquarters.* This term means the Office of the Commandant, Washington, D. C.

Section 59.11 is amended by changing the introductory sentence to read as follows:

§ 59.11 *Lifeboat equipment.* Lifeboats, except those otherwise specified, shall be equipped as follows: * * *

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Part 60 is amended by changing names and certain phrases as follows:

a. In §§ 60.10, 60.12, 60.29, 60.34, 60.49, and 60.50 "Board of Supervising Inspectors" to "Commandant".

b. In §§ 60.14, 60.21, 60.21a, and 60.61 "board" to "Commandant".

c. In § 60.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 60.21 "bureau" to "Coast Guard", except in the fifth paragraph when it is "bureau" to "Commandant".

e. In §§ 60.10, 60.11, 60.12, 60.29, 60.30, and 60.54 "supervising inspector(s)" to "District Coast Guard Officer(s)".

f. In §§ 60.16, 60.47a (h), 60.49, and 60.54 (f) (1) "supervising inspector of the district" to "District Coast Guard Officer".

g. In § 60.48 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

h. In § 60.35 (c) "supervising or local inspectors" to "District Coast Guard Officer".

i. In §§ 60.6 and 60.57 "local inspectors" and "U. S. local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 60.47a (h) "inspector of the Bureau of Marine Inspection and Navigation" to "inspector".

k. In §§ 60.13, and 60.32 "inspector of this bureau" to "inspector".

l. In §§ 60.11, and 60.30 "assistant or local inspector" to "inspector".

m. In § 60.49 (1) "a local or assistant inspector" to "an inspector".

n. In §§ 60.21, and 60.21a "B. M. I. N." to "U. S. C. G."

o. In §§ 60.11, 60.30, and 60.47a (h) "U. S. I." to "U. S. C. G."

Section 60.9 is amended by changing the introductory sentence to read as follows:

§ 60.9 *Lifeboat equipment.* (See § 59.11 of this chapter which is identical with this section.)

Section 60.40 entitled *A B C and balsa life floats* is deleted.

PART 61—FIRE APPARATUS; FIRE PREVENTION

Part 61 is amended by changing names and certain phrases as follows:

a. In §§ 61.14, 61.16, and 61.17 "Director" to "Commandant".

b. In §§ 61.4, 61.13, 61.16, 61.17, 61.18, and 61.23 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 61.3, 61.13, and 61.17 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In §§ 61.17 (a) (2) (ii), and (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

e. In §§ 61.17 (b) (2) (v), and (3) (vii) "the Bureau of Marine Inspection and Navigation" to "Headquarters".

f. In § 61.22 "Bureau of Marine Inspection and Navigation" to "Commandant".

g. In § 61.17 (b) (2) (vii) "bureau" to "Coast Guard".

h. In § 61.13 "supervising inspector" to "District Coast Guard Officer".

i. In §§ 61.11, and 61.13 "local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 61.16 (b) (2) "inspectors of this bureau" to "inspectors".

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Part 62 is amended by changing names and certain phrases as follows:

a. In § 62.12 "Board of Supervising Inspectors" to "Commandant".

b. In § 62.20 (b) (4) "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

c. In § 62.20 "bureau" to "Commandant".

d. In § 62.17 "the Department of Commerce" to "Headquarters".

e. In §§ 62.21, 62.24, 62.28, and 62.61 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 62.17 "officers of the Bureau of Marine Inspection and Navigation" to "Inspectors of the Coast Guard".

g. In § 62.20 (d) (2) "representatives of the bureau" to "inspectors".

h. In § 62.21 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspectors".

i. In § 62.18 "supervising inspector" to "District Coast Guard Officer".

j. In §§ 62.16, and 62.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 62.17, 62.59, 62.60, and 62.61 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

l. In § 62.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

Section 62.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth, undesignated paragraphs to read as follows:

§ 62.16 *Reports of accidents.* * * *

Whenever a vessel commanded by an officer licensed by the Coast Guard collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. When any collision of this character is reported the Officer in Charge, Marine Inspection, shall immediately transmit such information through official channels to the District Coast Guard Officer of the district in which the collision occurred.

Whenever in an investigation of an accident to a vessel, made by the Coast Guard, it is stated by the officers of the vessel concerned, or it is developed by the investigation, or it is stated in a report of an accident, that the accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or to any fault of any such aid, or to the lack of such aid, the Officer in Charge, Marine Inspection, investigating the case, or to whom the report was made, shall promptly report through official channels to the Commandant, the location of the accident, the aid to navigation near or at which the accident occurred; the nature of the accident; the alleged cause of the accident; whether or not the accident was due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid, if such has been suggested; and all other information or suggestions which would be of value. If an investigation was held, the findings shall also be reported. The Officer in Charge, Marine Inspection, shall also report in the same manner any other information or suggestions coming to him concerning the need of additional aids to navigation or the modification of any existing aids.

PART 63—INSPECTION OF VESSELS

Part 63 is amended by changing names and certain phrases as follows:

a. In §§ 63.5, 63.8, and 63.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 63.16 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In §§ 63.11 (c) (1), 63.14a (a) (7), and (b) (6) "bureau" to "Commandant".

d. In §§ 63.14a (a) (3) (iv), and (a) (6) "the bureau" to "Headquarters".

e. In § 63.16 "this service" to "the Coast Guard".

f. In § 63.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

g. In § 63.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

h. In § 63.4 "supervising inspector of the district" to "District Coast Guard Officer".

i. In §§ 63.1, 63.5, 63.7, 63.8, and 63.17 "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 63.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In § 63.14a (b) (6) "local board of inspectors" to "Officer in Charge, Marine Inspection".

l. In § 63.1 "board of local inspectors or supervising inspector" to "inspector".

m. In § 63.15 "supervising and local inspectors" to "inspectors".

n. In §§ 63.14, and 63.14a "inspectors of the bureau" and "inspectors of this bureau" to "inspectors".

o. In § 63.4 "inspector of hulls" to "inspector".

Part 63 is amended by the addition of a new § 63.6 reading as follows:

§ 63.6 *Certificates of inspection.* Certificates of inspection for any period less than one year shall not be issued, but nothing herein shall be construed as preventing the revocation or suspension of certificates of inspection in case such process is authorized by law.

Section 63.7 *Proceeding to another port for repairs* is amended by deleting the first undesignated paragraph.[1]

PART 64—DUTIES OF INSPECTORS

Part 64 is amended by changing names and certain phrases as follows:

a. In §64.12 "Department" to "Commandant".

b. In §§ 64.12, and 64.16 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

c. In § 64.16 "in the Office of the Director of the Bureau of Marine Inspection and Navigation" to "at Coast Guard Headquarters".

d. In § 64.13 "the Department" to "Headquarters".

e. In § 64.1 "the Office of the Director of the Bureau of Marine Inspection and Navigation" to "Headquarters".

f. In § 64.16 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

g. In § 64.16 "this bureau" and "the bureau" to "Headquarters".

h. In § 64.11 "steamboat service" to "Coast Guard".

i. In §§ 64.2, and 64.3 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)".

j. In §§ 64.1, 64.4, 64.11, and 64.12 "supervising inspector" to "District Coast Guard Officer".

k. In § 64.18 "supervising inspector of the district" to "District Coast Guard Officer".

l. In §§ 64.1, 64.10a, 64.12, 64.13, and 64.16 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

m. In § 64.11 "local boards" to "Officers in Charge, Marine Inspection".

n. In § 64.3 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

o. In § 64.12 "supervising and local inspectors" to "inspectors".

p. In § 64.10 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 64.7 "boiler inspector" to "inspector".

r. In § 64.16 "inspector of this bureau" to "inspector".

Section 64.13 is amended by changing the third undesignated paragraph with footnote to read as follows:

§ 64.13 *Carrying of excess steam.* * * * In case no such report is made and a safety valve is found that has been tampered with or out of order, the engineer in charge of such boiler and the master of such vessel shall be proceeded against in accordance with the provisions of R. S. 4450, as amended (46 U.S.C. 239), looking to a suspension or revocation of their licenses.[2]

Section 64.14 entitled *Public inspection of official records* is deleted.

PART 65—STEAM YACHTS

Part 65 is amended by changing names and certain phrases as follows:

a. In § 65.11 "Board of Supervising Inspectors" to "Commandant."

b. In § 65.11 "supervising inspector of the district in which the lifeboats are built" to "Commandant".

c. In §§ 65.4, and 65.12 "supervising inspector(s)" to "District Coast Guard Officer(s)".

d. In § 65.12 "assistant or local inspector" to "inspector".

e. In § 65.12 "U. S. I." to "U. S. C. G."

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS AND LIFESAVING APPLIANCES

Part 76 is amended by changing names and certain phrases as follows:

a. In § 76.50 "Secretary of Commerce" to "Commandant".

b. In §§ 76.16, 76.18, 76.32, 76.37, 76.53, and 76.54 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 76.15, 76.15a, 76.19, and 76.62 "board" to "Commandant".

d. In § 76.2 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In § 76.15 "bureau" to "Coast Guard" except in the fifth paragraph when it is "bureau" to "Commandant".

f. In § 76.13 "this service" to "the Coast Guard."

g. In §§ 76.8, 76.16, 7617, 76.18, 76.32, and 76.33 "supervising inspector" to "District Coast Guard Officer".

h. In §§ 76.51a, and 76.53 "supervising inspector of the district" to "District Coast Guard Officer".

i. In § 76.52 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

j. In § 76.34 "supervising or local inspectors" to "District Coast Guard Officer".

k. In §§ 76.8, and 76.10 "local inspectors" to "Officer in Charge, Marine Inspection".

l. In §§ 76.17, and 76.33 "assistant or local inspector" to "inspector".

m. In § 76.53 "a local or assistant inspector" to "an inspector".

n. In § 76.51a "inspector of the Bureau of Marine Inspection and Navigation" to "inspector".

o. In § 76.35 "inspector of this bureau" to "inspector".

p. In § 76.20 "inspector of this service" to "inspector".

q. In §§ 76.15, and 76.15a "B. M. I. N." to "U. S. C. G."

r. In §§ 76.17, 76.33, and 76.51a "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 76 is amended by the addition of a new § 76.01 reading as follows:

§ 76.01 *Definition of terms.* (See § 59.01 of this chapter which is identical with this section.)

Section 76.45 entitled *A B C and balsa life floats* is deleted.

PART 77—FIRE APPARATUS; FIRE PREVENTION

Part 77 is amended by changing names and certain phrases as follows:

a. In §§ 77.16, and 77.17 "Director" to "Commandant".

b. In §§ 77.4, 77.13, 77.16, 77.17, 77.18, and 77.22 "Board of Supervising Inspectors" to "Commandant".

c. In § 77.21a "Bureau of Marine Inspection and Navigation" to "Commandant".

d. In §§ 77.3, 77.13, and 77.17 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In §§ 77.17 (a) (2) (ii), and (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

f. In §§ 77.17 (b) (2) (v), and (3) (vii) "Bureau of Marine Inspection and Navigation" to "Headquarters".

g. In § 77.17 (b) (2) (vii) "bureau" to "Coast Guard".

h. In § 77.13 "supervising inspector" to "District Coast Guard Officer".

i. In §§ 77.11, and 77.13 "local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 77.16 (b) (2) "inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

Part 78 is amended by changing names and certain phrases as follows:

a. In §§ 78.12, and 78.39 "Board of Supervising Inspectors" to "Commandant".

b. In § 78.17 "the Department of Commerce" to "Headquarters".

c. In §§ 78.20, 78.21, 78.28, and 78.54 "Bureau of Marine Inspection and Navigation" to "Coast Guard."

d. In §§ 78.18, and 78.19 "supervising inspector" to "District Coast Guard Officer".

e. In §§ 78.17, 78.52, 78.53, and 78.54 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

f. In §§ 78.16, and 78.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

g. In § 78.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

[1] This paragraph was made a new § 63.6 *Certificates of inspection* in this part.

[2] Attention is called to R. S. 4437 (46 U.S.C. 413), which makes the obstructing of a safety valve a misdemeanor subject to a $200 fine and imprisonment for not to exceed five years.

h. In § 78.17 "officers of the Bureau of Marine Inspection and Navigation" to "inspectors of the Coast Guard".

i. In § 78.54 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 78.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth undesignated paragraphs to read as follows:

§ 78.16 *Reports of accidents.* * * * (See § 62.16 of this chapter which is identical with this section.)

PART 79—INSPECTION OF VESSELS

Part 79 is amended by changing names and certain phrases as follows:

a. In §§ 79.5, 79.8, and 79.21 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 79.18 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In § 79.12 "bureau" to "Commandant".

d. In § 79.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. §§ 79.17, and 79.18 "this service" to "the Coast Guard".

f. In § 79.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

g. In § 79.21 "supervising and local inspectors" to "inspectors".

h. In §§ 79.1, 79.5, 79.7, 79.8, and 79.18a "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 79.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 79.1 "board of local inspectors or supervising inspector" to "inspector".

k. In § 79.19 "inspectors of the bureau" to "inspectors".

l. In § 79.4 "inspector of hulls" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 79 is amended, the addition of a new § 79.6 reading as follows:

§ 79.6 *Certificates of inspection.* (See § 63.6 of this chapter which is identical with this section.)

Section 79.7 *Permits to go to other ports for repairs,* is amended by deleting the first undesignated paragraph.[1]

[1] This paragraph was made a new § 79.6 *Certificates of inspection.*

PART 80—FERRYBOATS

Part 80 is amended by changing a name as follows: In § 80.2 "bureau" to "Commandant".

PART 81—EXCURSION STEAMERS

Part 81 is amended by changing names and certain phrases as follows:

a. In § 81.1 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 81.2 "board to "Commandant".

c. In § 81.1 "supervising inspector" to "District Coast Guard Officer".

d. In § 81.1 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE. In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection."

PART 83—DUTIES OF INSPECTORS

Part 83 is amended by changing names and certain phrases as follows:

a. In § 83.11 "Department" to "Commandant."

b. In §§ 83.11, and 83.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant."

c. In § 83.12 "the Department" to "Headquarters."

d. In § 83.15 "this bureau" and "the bureau" to "Headquarters."

e. In § 83.15 "in the office of the Bureau of Marine Inspection and Navigation," to "at Coast Guard Headquarters."

f. In § 83.15 "Bureau of Marine Inspection and Navigation to "Coast Guard."

g. In § 83.10 "steamboat service" to "Coast Guard."

h. In §§ 83.3, 83.10, and 83.11 "supervising inspector(s)" to "District Coast Guard Officer(s)."

i. In § 83.17 "supervising inspector of the district" to "District Coast Guard Officer."

j. In §§ 83.1 and 83.2 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)."

k. In § 83.11 "supervising and local inspectors" to "inspectors."

l. In §§ 83.9a, 83.11, 83.12, and 83.15 "local inspectors" to "Officers(s) in Charge, Marine Inspection."

m. In § 83.2 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

n. In § 83.10 "local boards" to "Officers in Charge, Marine Inspection".

o. In § 83.15 "inspector of this bureau" to "inspector".

p. In § 83.9 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 83.6 "boiler inspector" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to Officer in Charge, Marine Inspection".

Section 83.12 is amended by changing the third undesignated paragraph with footnote to read as follows:

§ 83.12 *Carrying of excess steam.* * * * (See § 64.13 of this chapter which is identical with this section.)

Section 83.13 *Public inspection of official records and documents* is deleted.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Part 94 is amended by changing names and certain phrases as follows:

a. In § 94.50 "Secretary of Commerce" to "Commandant".

b. In §§ 94.15, 94.32, 94.38, 94.53, and 94.54 "Board of Supervising Inspectors" to "Commandant".

c. In §§ 94.14, 94.14a, 94.18, and 94.59 "board" to "Commandant".

d. In § 94.14 "bureau" to "Coast Guard" except in the fifth paragraph when it is "bureau" to "Commandant".

e. In § 94.12 "this service" to "the Coast Guard".

f. In §§ 94.5, 94.15, 94.16, 94.17, 94.32, and 94.33 "supervising inspector(s)" to "District Coast Guard Officer(s)".

g. In § 94.53 "supervising inspector of the district" to "District Coast Guard Officer".

h. In § 94.52 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

i. In § 94.35 "supervising or local inspectors" to "District Coast Guard Officer".

j. In §§ 94.5, and 94.10 "local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 94.16, and 94.33 "assistant or local inspector" to "inspector".

l. In § 94.53 "a local or assistant inspector" to "an inspector".

m. In § 94.19 "inspector of this service" to "inspector".

n. In § 94.36 "inspector of this bureau" to "inspector".

o. In §§ 94.14, and 94.14a "B. M. I. N." to "U. S. C. G."

p. In §§ 94.16, and 94.33 "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 94 is amended by the addition of a new § 94.01 reading as follows:

§ 94.01 *Definition of terms.* (See § 59.01 of this chapter which is identical with this section.)

Section 94.46 entitled *A B C and balsa life floats* is deleted.

PART 95—FIRE APPARATUS; FIRE PREVENTION

Part 95 is amended by changing names and certain phrases as follows:

a. In §§ 95.15, and 95.16 "Director" to "Commandant".

b. In §§ 95.4, 95.13, 95.15, 95.16, 95.17, and 95.22 "Board of Supervising Inspectors" to "Commandant".

c. In § 95.21a "Bureau of Marine Inspection and Navigation" to "Commandant".

d. In §§ 95.16 (b) (2) (v), and (3) (vii) "Bureau of Marine IInspection and Navigation" to "Headquarters".

e. In §§ 95.3, 95.13, and 95.16 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In §§ 95.16 (a) (2) (ii), and (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

g. In § 95.16 (b) (2) (vii) "bureau" to "Coast Guard".

h. In § 95.13 "supervising inspector" to "District Coast Guard Officer".

i. In §§ 95.11, and 95.13 "local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 95.15 (b) (2) "inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Part 96 is amended by changing names and certain phrases as follows:

a. In §§ 96.12, and 96.38 "Board of Supervising Inspectors" to "Commandant".

b. In § 96.17 "the Department of Commerce" to "Headquarters".

c. In §§ 96.19, 96.20, 96.27, and 96.53 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 96.18 "supervising inspector" to "District Coast Guard Officer".

e. In § 96.17 "officers of the Bureau of Marine Inspection and Navigation" to "inspectors of the Coast Guard".

f. In § 96.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

g. In §§ 96.17, 96.51, 96.52, and 96.53 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

h. In §§ 96.16, and 96.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 96.53 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 96.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth undesignated paragraphs to read as follows:

§ 96.16 *Reports of accidents.* * * * (See § 62.16 of this chapter which is identical with this section.)

PART 97—INSPECTION OF VESSELS

Part 97 is amended by changing names and certain phrases as follows:

a. In §§ 97.5, 97.8, and 97.19 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 97.17 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In §§ 97.14 (c) (1), 97.18a (a) (7), and (b) (6) "bureau" to "Commandant".

d. In §§ 97.18a (a) (3) (iv), and (6) "the bureau" to "Headquarters".

e. In § 97.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 97.17 "this service" to "the Coast Guard".

g. In § 97.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

h. In § 97.19 "supervising and local inspectors" to "inspectors".

i. In § 97.1 "board of local inspectors or supervising inspectors" to "inspector".

j. In § 97.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In § 97.18a (b) (6) "local board of inspectors" to "Officer in Charge, Marine Inspection".

l. In §§ 97.1, 97.5, 97.7, 97.8, and 97.17a "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

m. In § 97.4 "inspector of hulls" to "inspector".

n. In §§ 97.18, and 97.18a "inspectors of the bureau" and "inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 97 is amended by the addition of a new § 97.6 reading as follows:

§ 97.6 *Certificates of inspection.* (See § 63.6 of this chapter which is identical with this section.)

Section 97.7 *Permits to go to other ports for repairs,* is amended by deleting the first undesignated paragraph.[1]

PART 98—FERRYBOATS

Part 98 is amended by changing a name as follows:

In § 98.2 "bureau" to "Commandant".

PART 99—EXCURSION STEAMERS

Part 99 is amended by changing names and certain phrases as follows:

a. In § 99.1 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 99.2 "board" to "Commandant".

c. In § 99.1 "supervising inspector" to "District Coast Guard Officer".

d. In § 99.1 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 101—DUTIES OF INSPECTORS

Part 101 is amended by changing names and certain phrases as follows:

a. In § 101.11 "Department" to "Commandant".

b. In § 101.12 "the Department" to "Headquarters".

c. In §§ 101.11, and 101.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

d. In § 101.15 "in the office of the Director of the Bureau of Marine Inspection and Navigation, Washington, D. C." to "Coast Guard Headquarters, Washington, D. C."

e. In § 101.15 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 101.10 "steamboat service" to "Coast Guard".

g. In § 101.15 "the bureau" and "this bureau" to "Headquarters".

h. In §§ 101.3, 101.10, and 101.11 "supervising inspector(s)" to "District Coast Guard Officer(s)".

i. In § 101.17 "supervising inspector of the district" to "District Coast Guard Officer".

j. In §§ 101.1, and 101.2 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)".

k. In § 101.11 "supervising and local inspectors" to "inspectors".

l. In § 101.2 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

m. In §§ 101.11, 101.12, and 101.15 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

n. In § 101.10 "local boards" to "Officers in Charge, Marine Inspection".

o. In § 101.6 "boiler inspector" to "inspector".

p. In § 101.9 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 101.15 "inspector of this bureau" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "Supervising Merchant Marine Inspector" should be changed to "District Coast Guard Officer" and the title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 101.12 is amended by changing the third undesignated paragraph with footnote to read as follows:

[1] This paragraph was made a new § 97.6 entitled *Certificates of inspection.*

§ 101.12 *Carrying of excess steam.* * * *

(See § 64.13 of this Chapter which is identical with this section.)

Section 101.13 entitled *Public inspection of official records* is deleted.

PART 102—BAY, SOUND, AND LAKE STEAM YACHTS

Part 102 is amended by changing names and certain phrases as follows:

a. In § 102.6 "Board of Supervising Inspectors" to "Commandant".

b. In § 102.6 "supervising inspector of the district in which lifeboats are built" to "Commandant".

c. In § 102.7 "supervising inspectors" to "District Coast Guard Officers".

d. In § 102.7 "assistant or local inspector" to "inspector".

e. In § 102.7 "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Bays, Sounds, and Lakes Other Than the Great Lakes," dated September 1942, some of these terms were changed editorially. The title "supervising Merchant Marine Inspectors" should be changed to "District Coast Guard Officers".

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Part 113 is amended by changing names and certain phrases as follows:

a. In §§ 113.10, 113.29, 113.45, and 113.46 "Board of Supervising Inspectors" to "Commandant".

b. In § 113.46a "Board" to "Commandant".

c. In § 113.23, fifth paragraph, "Coast Guard" to "Commandant".

d. In § 113.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

e. In § 113.6 "this service" to "the Coast Guard".

f. In §§ 113.10, 113.11, 113.29, and 113.30 "supervising inspector(s)" to "District Coast Guard Officer(s)".

g. In § 113.44 "Supervising Merchant Marine Inspector" to "District Coast Guard Officer".

h. In § 113.46 "supervising inspector of the district" to "District Coast Guard Officer".

i. In § 113.2 "local or supervising inspector" to "Officer in Charge, Marine Inspection, or District Coast Guard Officer".

j. In § 113.8 "local inspectors" to "Officer in Charge, Marine Inspection".

k. In §§ 113.11, and 113.30 "assistant or local inspector" to "inspector".

l. In § 113.46 (1) "a local or assistant inspector" to "an inspector".

m. In §§ 113.12, and 113.31 "inspector of this service" to "inspector".

n. In § 113.23 "B. M. I. N." to "U. S. C. G."

o. In §§ 113.11, and 113.30 "U. S. I." to "U. S. C. G."

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 113 is amended by the addition of a new § 113.01 reading as follows:

§ 113.01 *Definition of terms.* (See § 59.01 of this chapter which is identical with this section.)

Section 113.39 entitled *A B C and balsa life floats* is deleted.

PART 114—FIRE APPARATUS; FIRE PREVENTION

Part 114 is amended by changing names and certain phrases as follows:

a. In §§ 114.16, and 114.17 "Director" to "Commandant".

b. In §§ 114.6, 114.15, 114.16, 114.17, 114.18, and 114.23 "Board of Supervising Inspectors" to "Commandant".

c. In § 114.17 (a) (2) (ii), (iii) "approval of the Bureau of Marine Inspection and Navigation" to "Commandant's approval".

d. In §§ 114.17 (b) (2) (v), and (3) (vii) "Bureau of Marine Inspection and Navigation" to "Headquarters".

e. In §§ 114.4, 114.15, and 114.17 (a) (1) (ii) "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 114.17 (b) (2) (vii) "bureau to "Coast Guard".

g. In § 114.15 "supervising inspector" to "District Coast Guard Officer".

h. In §§ 114.13, and 114.15 "local inspectors" to "Officer in Charge, Marine Inspection".

i. In § 114.16 (b) (2) "inspectors of this bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, "Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 115—LICENSED OFFICERS

Part 115 is amended by changing names and certain phrases as follows:

a. In §§ 115.12, and 115.37 "Board of Supervising Inspectors" to "Commandant".

b. In § 115.17 "the Department" to "Headquarters".

c. In §§ 115.19, 115.26, and 115.46 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 115.18 "supervising inspector" to "District Coast Guard Officer".

e. In §§ 115.17, 115.44, 115.45, and 115.46 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

f. In §§ 115.16, and 115.18 "board of local inspectors" to "Officer in Charge, Marine Inspection".

g. In § 115.14 "a supervising, local, or assistant inspector of steam vessels or any of them" to "an inspector".

h. In § 115.17 "officers of the Bureau of Marine Inspection and Navigation" to "inspectors of the Coast Guard".

i. In § 115.46 (a) (12) "inspectors of the Bureau of Marine Inspection and Navigation" to "inspector".

NOTE. In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 115.16 is amended by deleting the footnote to the heading and by changing the second, third, and fourth undesignated paragraphs to read as follows:

§ 115.16 *Reports of accidents.* * * * (See § 62.16 of this chapter which is identical with this section.)

PART 116—INSPECTION OF VESSELS

Part 116 is amended by changing names and certain phrases as follows:

a. In §§ 116.5, 116.8, and 116.19 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 116.17 "Board of Supervising Inspectors and also by the Secretary of Commerce" to "Commandant".

c. In § 116.8 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 116.10 (c) (1) "bureau" to "Commandant".

e. In § 116.17 "this service" to "the Coast Guard".

f. In § 116.7 "supervising inspector" and "supervising inspector of their district" to "District Coast Guard Officer".

g. In § 116.19 "supervising and local inspectors" to "inspectors".

h. In § 116.1 "board of local inspectors or supervising inspector" to "inspector".

i. In §§ 116.1, 116.5, 116.7, 116.8, and 116.17a "local inspectors" and "United States local inspectors" to "Officer in Charge, Marine Inspection".

j. In § 116.5 "board of local inspectors" to "Officer in Charge, Marine Inspection".

k. In § 116.4 "inspector of hulls" to "inspector".

l. In § 116.18 "inspectors of the bureau" to "inspectors".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Part 116 is amended by the addition of a new § 116.6 reading as follows:

§ 116.6 *Certificates of inspection.* (See § 63.6 of this chapter which is identical with this section.)

Section 116.7 *Permits to go to other ports for repairs,* is amended by deleting the first undesignated paragraph.[1]

PART 117—FERRYBOATS

Part 117 is amended by changing names as follows:

a. In § 117.2 "bureau" to "Commandant".

b. In § 117.4 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge"

[1] This paragraph was made a new § 116.6 entitled *Certificates of inspection.*

should be changed to "Officer in Charge, Marine Inspection".

PART 118—EXCURSION STEAMERS

Part 118 is amended by changing names and certain phrases as follows:

a. In § 118.1 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

b. In § 118.2 "board" to "Commandant".

c. In § 118.1 "supervising inspector" to "District Coast Guard Officer".

d. In § 118.1 "local inspectors" to "Officer in Charge, Marine Inspection".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

PART 120—DUTIES OF INSPECTORS

Part 120 is amended by changing names and certain phrases as follows:

a. In § 120.11 "Department" to "Commandant".

b. In §§ 120.11, and 120.15 "Director of the Bureau of Marine Inspection and Navigation" to "Commandant".

c. In § 120.12 "the Department" to "Headquarters".

d. In § 120.15 "the bureau" and "this bureau" to "Headquarters".

e. In § 120.15 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

f. In § 120.15 "in the office of the Director of the Bureau of Marine Inspection and Navigation, Washington, D. C." to "at Coast Guard Headquarters, Washington, D. C."

g. In § 120.10 "steamboat service" to "Coast Guard".

h. In §§ 120.3, 120.10, and 120.11 "supervising inspector(s)" to "District Coast Guard Officer(s)".

i. In §§ 120.1, and 120.2 "Supervising Merchant Marine Inspector(s)" to "District Coast Guard Officer(s)".

j. In § 120.17 "supervising inspector of the district" to "District Coast Guard Officer".

k. In § 120.11 "supervising and local inspectors" to "inspectors".

l. In §§ 120.11, 120.12, and 120.15 "local inspectors" to "Officer(s) in Charge, Marine Inspection".

m. In § 120.2 "Merchant Marine Inspector(s) in Charge" to "Officer(s) in Charge, Marine Inspection".

n. In § 120.10 "local boards" to "Officers in Charge, Marine Inspection".

o. In § 120.6 "boiler inspector" to "inspector".

p. In § 120.9 "both the hull and boiler inspectors" and "hull inspector as well as the boiler inspector" to "inspectors".

q. In § 120.15 "inspector of this bureau" to "inspector".

NOTE: In the publication "General Rules and Regulations for Vessel Inspection, Rivers", dated January 1943, some of these terms were changed editorially. The title "Merchant Marine Inspector in Charge" should be changed to "Officer in Charge, Marine Inspection".

Section 120.12 is amended by changing the third undesignated paragraph with footnote to read as follows:

§ 120.12 *Carrying of excess steam.* * * *

(See § 64.13 of this chapter which is identical with this section.)

Section 120.13 entitled *Public inspection of official records* is deleted.

Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over, Propelled by Machinery

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

Part 144 is amended by changing certain names as follows:

a. In § 144.6 "Secretary of Commerce" to "Commandant".

b. In §§ 144.2, 144.3, and 144.5 "Director" to "Commandant".

c. In § 144.6, "Board of Supervising Inspectors" to "Commandant".

d. In §§ 144.2, and 144.3, "Bureau of Marine Inspection and Navigation" to "Coast Guard".

Subchapter O—regulations applicable to certain vessels and shipping during emergency

PART 150—INSPECTION AND CERTIFICATION OF VESSELS DOCUMENTED UNDER ACT OF JUNE 6, 1941

Part 150 is amended by changing names and certain phrases as follows:

a. In § 150.1 (a) "Director" to "Commandant".

b. In § 150.1 (f) "Board of Supervising Inspectors" to "Commandant".

c. In § 150.1 "Bureau of Marine Inspection and Navigation" to "Coast Guard".

d. In § 150.2 "supervising inspector" to "District Coast Guard Officer".

e. In § 150.1 "local inspectors" to "Officer in Charge, Marine Inspection".

Section 153.3 (c) (2) is amended to read as follows:

§ 153.3 *Lifeboats on ocean and coastwise vessels.* * * *

(c) *Cubic capacity of lifeboats.* * * *

(2) *Provisions and water.* In all cases such lifeboats shall be provided with water as required by these regulations for the number of persons which the boat will accommodate on the basis of ten cubic feet per person. Provisions shall be provided for the number of persons the lifeboat is allowed to carry on a wartime basis.

Section 153.4a *Construction of life floats* is amended by changing the letters "M. I. N." to "U. S. C. G.", where they appear in paragraphs (b) (7) and (c) (1).

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

LIFEBOATS

16' x 2'6½" x 5'8½" oar-propelled metallic lifeboat (136 Cu. Ft.) (Dwg. No. LB 16, dated 17 March, 1943), manufactured by Booth Metallic Boat Company, Beaumont, Texas. (For river service only.)

24' x 8' x 3'9" oar-propelled metallic lifeboat (450 Cu. Ft.) (Dwg. No. NL 450, dated 2 April, 1943), manufactured by Neptune Boat and Davit Corp., New Orleans, La.

24' x 8' x 3'9" motor-propelled metallic lifeboat (450 Cu. Ft. Gross) (Dwg. No. N. L.–450–M. B. dated 24 March, 1943), manufactured by Neptune Boat and Davit Corp., New Orleans, La.

24' x 7'9" x 3'4" motor-propelled metallic lifeboat (371.5 Cu. Ft. Gross) (Dwg. No. 245 E, dated 25 February, 1942, and Specifications dated 25 March, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

26' x 9' x 3'8" motor-propelled metallic lifeboat (467 Cu. Ft. Gross) (Dwg. No. 2574, dated 15 April, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

31' x 10'6" x 4'4" motor-propelled metallic lifeboat (913 Cu. Ft. Gross) (Dwg. No. 2520, Rev. 19 April, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

26' x 9' x 3.6' motor-propelled metallic lifeboat (505 Cu. Ft. Gross) (Dwg. No. 2650, Rev. 5 May, 1943), manufactured by Lane Lifeboat and Davit Corp., Flushing, N. Y.

LIFEBOAT WINCH

Welin Type CWB–6 lifeboat winch (General Arrangement Dwg. No. 2105, Rev. 2 March, 1942) (Maximum working load of 6,750 pounds per drum), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

DAVIT

Welin boom davit, Type "C" (General Arrangement Dwg. No. 2549, dated 13 March, 1943) (Maximum working load of 6,100 pounds per arm), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

LIFE PRESERVERS

"Type B" adult quilted type kapok life preserver (Dwg. dated 19 December, 1942, "Type B") Approval No. B–177, manufactured by Elvin Salow Company, Boston, Mass. (For general use and for use in conjunction with rubber lifesaving suits.)

"Type A" adult quilted type kapok life preserver (Dwg. dated 19 December, 1942, "Type A"), Approved No. B–176, manufactured by Elvin Salow Company, Boston, Mass. (For general use and for use in conjunction with rubber lifesaving suits.)

LIFE RAFTS

15-person and 18-person life rafts (Dwg. No. G–281, Rev. 26 October, 1942, and 15 December, 1942) manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.*

15-person and 20-person life rafts (General Arrangement Dwg. No. G–309, sheet 1, dated 3 March, 1943, Rev. 22 April, 1943), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.*

18-person catamaran life raft (Dwg. No. CS–301A, Rev. 21 December, 1942), manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.*

20-person catamaran life raft (Dwg. No. 8003D, dated 18 February, 1943) manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.*

20-person life raft (Dwgs. Nos. B–1031, dated 20 February, 1943, and B–1032, dated 27 February, 1943), submitted by Los Angeles Boiler Works, Los Angeles, Calif.*

20-person catamaran life raft (Dwg. No. 507, dated 3 April, 1943), manufactured by Tregoning Boat Company, Seattle, Wash.*

18-person catamaran flush deck life raft (Dwg. No. P–880, dated 18 January, 1943), manufactured by Peterson Manufacturing Company, Portland, Oreg.*

20-person catamaran life raft, Model No. 1 (Dwg. No. 1722, dated 25 March, 1942, Rev. 11 February, 1943), manufactured by L. A. Young Spring and Wire Corp., Oakland, Calif.*

*Approval of life rafts designated by asterisk effective as of 14 March, 1943, and are not of an improved type as indicated by Navigation and Vessel Inspection Circular No. 33 dated 15 April, 1943, and 46 C. F. R. 153.7a.

20-person catamaran life raft, Model No. 3 (Dwg. No. 1722–A, dated 10 February, 1943), manufactured by L. A. Young Spring and Wire Corp., Oakland, Calif.*

10-person life raft (Dwg. No. N. R. 10–P. C., dated 7 April, 1943), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.*

16-person catamaran life raft (Dwg. No. N. R. 16–P. C., Rev. 16 February, 1943), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.*

20-person life raft (Dwg. No. 45), manufactured by Kearns Bros., Redwood City, Calif.*

18-person life raft (Dwg. No. 44–A), manufactured by Kearns Bros., Redwood City, Calif.*

20-person catamaran life raft (Dwg. No. H–101, dated 5 November, 1942), manufactured by Higgs Marine Service, Bronx, N. Y.*

"Buck-Win" 20-person well deck type catamaran life raft (Dwg. No. 100–C, dated 27 February, 1943), manufactured by Buckler-Merwin Company, Portland, Oreg.*

"Buck-Win" 18-person well deck type catamaran life raft (Dwg. No. 100–B, Sheet 1 and Sheet 2, dated 24 December, 1942), manufactured by Buckler-Merwin Company, Portland, Oreg.*

20-person life raft (Dwgs. Nos. PLR–6, Rev. 10 March, 1943, and PLR–4, Rev. 20 June, 1942), manufactured by Hunter Boat Corp., Suisun, Calif.*

18-person life raft (Dwg. No. 8, dated 4 November, 1942), manufactured by Williams & Wells Company, New York, N. Y.*

20-person life raft (Dwg. No. 101, dated 5 March, 1943), manufactured by Norwalk Raft Company, South Norwalk, Conn.*

18-person life raft (Dwg. No. 4, dated 13 November, 1942), manufactured by Redwood City Boat Works, Redwood City, Calif.*

20-person catamaran, plywood air tanks, life raft (Dwg. No. LR–7, LR–8 Supplement B, dated 2 March, 1943), manufactured by Winner Manufacturing Company, Trenton, N. J.*

APPROVAL WITHDRAWN

Approval is withdrawn from the following item of equipment:

WATER LIGHT

Automatic electric waterlight (Gravity switch) U.S.N. Type (Dwg. No. W. L.–1), manufactured by Sculler Safety Corp., New York, N. Y. (Original approval 4 March, 1942, 7 F. R. 1701)

R. R. WAESCHE,
Commandant.

JULY 30, 1943

[F. R. Doc. 43–12409: Filed, July 31, 1943; 10:54 a. m.]

Chapter IV—War Shipping Administration

[General Order 30, Supp. 1]

PART 307—WAR SHIPPING ADMINISTRATION PRICE ADJUSTMENT BOARD

MEMBERSHIP

Section 307.2 *Membership of Price Adjustment Board* is amended to read:

§ 307.2 *Membership of Price Adjustment Board.* The Price Adjustment Board established by this order will consist of a Chairman who shall be designated by the Administrator, a member to be selected with the approval of the Chairman of the War Production Board as his Representative, and such additional members as the Administrator shall from time to time approve.

(E.O. 9054, as amended, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

JULY 30, 1943.

[F. R. Doc. 43–12404; Filed, July 31, 1943; 9:34 a. m.]

*Approval of life rafts designated by asterisk effective as of 14 March, 1943, and are not of an improved type as indicated by Navigation and Vessel Inspection Circular No. 33 dated 15 April, 1943, and 46 C.F.R. 153.7a.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 139]

PART 95—CAR SERVICE

GRAVEL SHIPMENTS TO BARKSDALE FIELD, SHREVEPORT, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1943.

It appearing, that shipments of gravel in carloads originating at points in Arkansas and Louisiana and destined to Shreveport, Louisiana, for use at Barksdale Field are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic:

It is ordered, That:

§ 95.21 *Carloads of gravel destined to Shreveport, Louisiana, for use at Barksdale Field not to be weighed.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall weigh or permit to be weighed any shipment of gravel, in carloads, on any railroad track scales when such traffic originates on or after the effective date of this order at any point or points in Arkansas or Louisiana and is destined to Shreveport, Louisiana, for use at Barksdale Field, except that a limited number of cars may be weighed as is necessary to obtain average weights. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(40 Stat. 101, sec. 401, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17)).

It is further ordered, That this order shall become effective at 12:01 a. m., July 31, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–12442; Filed, July 31, 1943; 11:55 a. m.]

[Service Order 140]

PART 95—CAR SERVICE

ATCHISON, TOPEKA AND SANTA FE RAILWAY AND UNION PACIFIC RAILROAD CO. EMPLOYER-EMPLOYEE AGREEMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1943.

It appearing, that existing working agreements between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, and between the Union Pacific Railroad Company and certain of its operating employees, or employees' representatives, or interpretations of such agreements, or practices established thereunder, limiting the length of freight trains operating from Summit to San Bernardino, California, to fifty (50) loads or equivalent (three (3) empties to be reckoned as two (2) loads, cabooses not to be counted), impede the use, control, supply, movement, and distribution of cars and equipment, and the supply of trains necessary to a full utilization of transportation facilities and result in a wasteful use of cars and locomotives and interfere with the free flow of intrastate and interstate traffic necessary for the present emergency, and upon petition of the Office of Defense Transportation that the Commission take such action as it deems necessary under the circumstances; in the opinion of the Commission an emergency exists requiring immediate action;

It is ordered, That:

§ 95.22 *Employer-employee agreements, interpretations of said agreements, or practices established thereunder limiting length of trains suspended.* (a) The operation of all agreements, interpretations of said agreements, or practices established thereunder, between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, and between the Union Pacific Railroad Company and certain of its operating employees, or employees' representatives, limiting the length of freight trains operating from Summit to San Bernardino, California, to fifty (50) loads or equivalent (three (3) empties to be reckoned as two (2) loads, cabooses

not to be counted) and any other restriction limiting the length of trains between Barstow, California, and San Bernardino, California, is hereby suspended.

(b) The Atchison, Topeka and Santa Fe Railway Company and the Union Pacific Railroad Company shall operate their trains when necessary for the prompt and expeditious movement of intrastate and interstate freight without regard to any provisions of any agreements or interpretations of said agreements or practices established thereunder described in paragraph (a) of this section.

(c) *Effective period; emergency character.* This order shall remain in effect during the war in which the United States is now engaged unless sooner terminated by subsequent order of the Commission; and this order, being based upon conditions of war emergency, shall not constitute a precedent for peace time operations.

(40 Stat, 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., July 31, 1943, that a copy of this order shall be served upon The Atchison, Topeka and Santa Fe Railway Company, the Union Pacific Railroad Company, and the California State railroad commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-12443; Filed, July 31, 1943; 11:55 a. m.]

[Service Order 141]

PART 95—CAR SERVICE

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. EMPLOYER-EMPLOYEE AGREEMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July, A. D. 1943.

It appearing, that existing working agreements between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, or interpretations thereof, or practices established thereunder, limiting to 2,900 tons trains drawn by two locomotives between Winslow and Seligman, Arizona, and between Seligman, Arizona, and Needles, California, impede the use, control, supply, movement, and distribution of cars and equipment, and the supply of trains necessary to a full utilization of transportation facilities and result in a wasteful use of cars and locomotives and interfere with the free flow of intrastate and interstate traffic necessary for the present emergency, and upon petition of the Office of Defense Transportation that the Commission take such action as it deems necessary under the circumstances; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.23 *Employer-employee agreements, interpretations thereof, or practices established thereunder limiting tonnage of trains drawn by two locomotives suspended.* (a) The operation of all agreements, interpretations thereof or practices established thereunder, between The Atchison, Topeka and Santa Fe Railway Company and certain of its operating employees, or employees' representatives, limiting to 2,900 tons trains drawn by two locomotives between Winslow and Seligman, Arizona, and between Seligman, Arizona, and Needles, California, is hereby suspended.

(b) The Atchison, Topeka and Santa Fe Railway Company shall operate its trains when necessary for the prompt and expeditious movement of intrastate and interstate freight without regard to any provisions of any agreements or interpretations thereof or practices established thereunder described in paragraph (a) of this section.

(c) *Effective period; emergency character.* This order shall remain in effect during the war in which the United States is now engaged unless sooner terminated by subsequent order of the Commission; and this order, being based upon conditions of war emergency, shall not constitute a precedent for peacetime operations.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., July 31, 1943, that a copy of this order shall be served upon The Atchison, Topeka and Santa Fe Railway Company, the State railroad commissions in Arizona and California, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-12444; Filed, July 31, 1943; 11:55 a. m.]

Chapter II—Office of Defense Transportation

[General Permit ODT 17-27]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

WHOLESALE DELIVERIES OF MEAT

General outline. Except as otherwise provided therein, General Order ODT 17, as amended, prohibits any motor carrier from making more than five (5) wholesale deliveries of fresh or frozen meat, poultry, or eggs, or more than two (2) wholesale deliveries of cured, smoked, cooked, or processed meat, from one point of origin to one point of destination in any calendar week. Similarly, except as otherwise provided, the order, as amended, directs every motor carrier to establish delivery areas or delivery routes, and further directs that no motor carrier shall perform wholesale delivery service in any such area or on any such route on any greater number of days in any calendar week than the maximum number of wholesale deliveries specified in Appendix No. 2 to the order for any commodity delivered by the carrier in any such area or over any such route during such calendar week. Thus, a motor carrier delivering both fresh and cured meats is limited to five (5) such weekly wholesale deliveries of fresh meats, and two (2) such weekly wholesale deliveries of cured meats, from one point of origin to one point of destination. Such carrier may not operate in wholesale delivery service in any established delivery area or over any established delivery route on more than five (5) days in any calendar week.

This general permit gives the motor carrier engaged in the transportation of fresh and cured meats the option of complying with the restrictions contained in paragraph (b) of § 501.75 and paragraph (a) of § 501.76 of the order, or of combining his deliveries so that as many as four (4) such weekly wholesale deliveries may be made of cured meat when such deliveries are made in combination with wholesale deliveries of fresh meat. In other words, if three (3) or four (4) such combination deliveries are made, the total number of weekly wholesale deliveries of fresh meats, as now permitted by Appendix No. 2, is reduced to four (4). Under paragraph (a) of § 501.76 of the order, a motor carrier may make two such combination wholesale deliveries and three (3) separate wholesale deliveries of fresh meat in a calendar week, but no additional wholesale deliveries of cured meat. On the other hand, if the motor carrier elects to make three (3) such combination wholesale deliveries in any calendar week, this general permit will limit him to one more wholesale delivery of fresh meat, but allows no further deliveries in such week. Furthermore, if the motor carrier elects to make four (4) such combination wholesale deliveries in any calendar week, this general permit provides that he may make no further wholesale deliveries of either cured or fresh meat in such week.

If the carrier elects to make either three (3) or four (4) such combination wholesale deliveries he may not operate in wholesale delivery service in any established delivery area or over any established route on more than four (4) days in any calendar week.

In accordance with the provisions of § 501.71 of General Order ODT 17, as amended, it is hereby authorized that:

§ 521.2903 *Wholesale deliveries of meat.* (a) Any motor carrier, when making wholesale deliveries of cured, smoked, cooked, or processed meat (excluding

meat packed in glass or metal containers), in combination with wholesale deliveries of fresh or frozen meat, poultry, or eggs, may make four (4) such combination wholesale deliveries from one point of origin to one point of destination during any calendar week: *Provided,* That the motor carrier electing to make more than two (2) such combination wholesale deliveries in any one week:

(1) Shall not make more than four (4) wholesale deliveries of fresh or frozen meat, poultry, or eggs, either separately or in combination, from one point of origin to one point of destination during such calendar week;

(2) Shall not operate any motor truck in making wholesale deliveries of fresh or frozen meat, poultry, or eggs, either separately or in combination, on any delivery route or in any delivery area established pursuant to the provisions of paragraph (a) of § 501.75 of General Order ODT 17, as amended, on more than four (4) days in such calendar week.

(b) Any motor carrier, while making deliveries in the manner provided in paragraph (a) of this general permit, and while complying with the conditions prescribed in such paragraph, shall be relieved, to the extent therein provided, from compliance with the provisions of paragraph (b) of § 501.75 (limiting the number of motor truck operations), and subparagraph (1) of paragraph (a) of § 501.76 and Appendix No. 2 (limiting the frequency of deliveries weekly), of General Order ODT 17, as amended.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 8377)

This General Permit ODT 17–27 shall become effective on July 29, 1943.

Issued at Washington, D. C., this 29th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–12360; Filed, July 30, 1943; 12:00 p. m.]

[General Permit ODT 17–28]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

RETAIL DELIVERIES OF BREAD AND PERISHABLE BAKERY PRODUCTS

General outline. Except as otherwise provided therein, General Order ODT 17, as amended, prohibits any motor carrier from making more than 3 retail deliveries of bread and perishable bakery products (excluding dry biscuits, crackers, pretzels, and similar bakery products in packages designed to retain their palatability for an extended period) from one point of origin to one point of destination during any calendar week, and likewise prohibits any such delivery on Sunday. Similarly, except as otherwise provided, the order, as amended, directs every motor carrier to establish delivery areas or delivery routes, and further directs that no motor carrier shall perform retail delivery service in any such area or on any such route on any greater number of days in any calendar week than the maximum number of retail deliveries specified in Appendix No. 2 to the order, for any commodity delivered by the carrier in any such area or over any such route during such calendar week.

This general permit gives the motor carrier engaged in the transportation of bread and perishable bakery products the option of complying with the restrictions contained in paragraph (b) of § 501.75 and paragraph (a) of § 501.76 of the order, or of making 4 retail deliveries of bread and perishable bakery products between one point of origin and one point of destination in any calendar week. However, if the carrier elects to make 4 weekly retail deliveries as permitted in this general permit, he may not make such retail deliveries on more than 2 consecutive days, nor may he operate on a given route or in a given area on more than 2 consecutive days. For example, this permit would allow a motor carrier to operate such a retail delivery route on Monday, Wednesday, Friday, and Saturday, but not on Monday, Tuesday, Wednesday, and Thursday. This general permit does not allow any retail deliveries to be made on Sunday.

In accordance with the provisions of § 501.71 of General Order ODT 17, as amended, it is hereby authorized that:

§ 521.2904 (a) *Retail deliveries of bread and perishable bakery products.* Any motor carrier, while operating a motor truck for the purpose of making retail deliveries exclusively of bread and perishable bakery products (excluding dry biscuits, crackers, pretzels, and similar bakery products in packages designed to retain their palatability for an extended period), (1) may make 4 retail deliveries of such commodities from any one point of origin to any one point of destination in any calendar week, and (2) may operate a motor truck over any given route or within any given delivery area established pursuant to the provisions of paragraph (a) of § 501.75 of General Order ODT 17, as amended, on 4 days of any calendar week: *Provided,* That such retail deliveries shall not be made, nor shall such motor truck operations be conducted over any given route or within any given delivery area, on more than 2 consecutive days in any calendar week.

(b) *Relief from certain provisions of General Order ODT 17, as amended.* Any motor carrier, while operating a motor truck for the purpose described, and while complying with the conditions prescribed, in paragraph (a) above, shall be relieved to the extent therein provided from the provisions of paragraph (b) of § 501.75 (limiting the number of motor truck operations), and subparagraph (1) of paragraph (a) of § 501.76 and Appendix No. 2 (limiting the frequency of deliveries weekly), of General Order ODT 17, as amended.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623, 8 F.R. 8278, 8377)

This General Permit ODT 17–28 shall become effective on July 29, 1943.

Issued at Washington, D. C., this 29th day of July 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43–12361; Filed, July 30, 1943; 12:00 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1611]

BENNETT AND BRASSART COAL CO.

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the petition of the Bennett and Brassart Coal Co., code member in District 15 for a reduction in the effective minimum price for ½" x 0 slack coals produced from the B & B Mine, Mine Index No. 1387, in District 15.

On June 5, 1943, after notice and hearing, Edward J. Hayes, a duly designated Examiner of the Bituminous Coal Division, filed a report in which he found that Bennett and Brassart Coal Co.,[1] petioner, a code member in District 15 had made no adequate showing that the establishment of a ½" x 0 size, produced by its B & B Mine (Mine Index No. 1387) between the present 1¼" x 0 and the ¼" x 0 sizes established for this mine and the proposed applicable price therefor of 70 cents per ton f. o. b. the mine complies with the standards set forth in section 4 II (a) and (b) of the Bituminous Coal Act of 1937 or is necessary to effectuate the purposes thereof. The Examiner recommended that an order be entered denying the petition herein.

An opportunity to file exceptions to the report of the examiner was afforded all interested parties. As of the date hereof no such exceptions have been filed.

I have considered the entire record in this proceeding, including the report of the examiner, and I find that the examiner's proposed findings and conclusions are adequate and accurate and that his recommendation should be followed. Accordingly, I have concluded to approve and adopt the proposed findings of fact and conclusions of law of the examiner as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That the proposed findings of fact and the proposed con-

[1] The Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments refers to petitioner as Bennett & Brassart (Roy J. Bennett).

clusions of law of the Examiner are approved and adopted as the findings of fact and the conclusions of law of the Director;

It is further ordered, That the petition herein for revision of the effective minimum price for ½" x 0 slack coals produced by the B & B Mine (Mine Index No. 1387) of Bennett & Brassart (Roy J. Bennett) Cherokee County, Kansas, in District 15 is denied.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-12516; Filed, August 2, 1943; 11:27 a. m.]

[Docket No. 1853-FD]

FORD COLLIERIES CO.

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the application of the Ford Collieries Company for permission to receive distributors' discounts on coal purchased and resold by it to the Michigan Alkali Company.

On December 3, 1942, after notice and hearing, Joseph A. Huston, a duly designated examiner of the Division submitted a report in which he found that the ownership and control of Ford Collieries Company, a registered distributor (Registration No. 3085), petitioner, by Michigan Alkali Company, a consumer of coal, is within the prohibition of paragraphs 11 and 12 of section 4, part II (i) of the Bituminous Coal Act of 1937, and that Ford Collieries Company, is not entitled to accept and retain a distributor's discount on coals purchased by it for resale and resold to Michigan Alkali Company or any of its affiliates, pursuant to § 317.12 (b) (8) [1] (§ 304.12 (b) (8)) of the rules and regulations for the registration of distributors, applicable provisions of the Act, and other rules and regulations thereunder. The examiner recommended that an order be entered denying the relief prayed for in the petition herein. On January 7, 1943, at the request of petitioner, an order was entered extending the time for the filing of exceptions to the report of the examiner until January 15, 1943. On January 20, 1943, the Director granted a further request of petitioner for extension of time to file exceptions until January 30, 1943. Although opportunity has been afforded petitioner to file exceptions, as of the date hereof no exceptions have been filed by petitioner.

I have considered the entire record in this proceeding, petitions, briefs before the examiner, and the examiner's report and I find that the report adequately and accurately reflects the facts disclosed in the record. I believe that the proposed findings of fact and proposed conclusions of law should be approved.[2]

[1] Section 317.12 (b) (8) implements § 317.19 (c) of the distributors' rules and is incorporated in the agreements executed by registered distributors.

[2] See *Matter of Wheeling Township Coal Mining Company,* Docket No. 1859-FD.

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That the relief prayed in the petition is denied.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-12515; Filed, August 2, 1943; 11:27 a. m.]

[Docket No. A-1595]

CARROLLTOWN COAL CO.

ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PROCEEDINGS

In the matter of a petition filed pursuant to section 4 II (d) of the act in which temporary relief has been granted without a hearing.

An order having been issued granting temporary relief in the above-designated docket without a hearing; and it appearing appropriate to terminate such temporary relief and dismiss such proceedings in such docket in view of the fact that the Bituminous Coal Act of 1937 will cease to be in effect as of 12:01 a. m. August 24, 1943;

Now, therefore, it is ordered, That effective 12:01 a. m. August 24, 1943, the temporary relief heretofore granted in the above-designated docket be, and the same hereby is, terminated and the proceedings in the above-designated docket be, and the same hereby is, dismissed as of 12:01 a. m. August 24, 1943.

Dated: July 31, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-12517; Filed, August 2, 1943; 11:27 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

D & D SHIRT COMPANY

CANCELLATION OF SPECIAL LEARNER CERTIFICATE

Notice of cancellation of special certificates for the employment of learners issued under the regulations for the Apparel Industry and the regulations for the Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry.

Notice is hereby given that special learner certificates issued to the D & D Shirt Company of Northampton, Pennsylvania have been ordered cancelled as follows: (1) The special learner certificate issued for the effective period September 11, 1941 to September 11, 1942, authorizing the employment as learners of not in excess of ten percent of its total number of productive factory workers, has been ordered cancelled as of the first date of its violation, and (2) the special learner certificate issued for the effective period September 10, 1942 to September 10, 1943, authorizing the employment as learners of not in excess of ten percent of its total number of productive factory workers, has been ordered cancelled as of its date of issue.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York this 24th day of July 1943.

MERLE D. VINCENT, *Authorized Representative of the Administrator.*

[F. R. Doc. 43-12372; Filed, July 30, 1943; 2:09 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable Determination and Order or Regulations cited above. The applicable Determination and Order or Regulations and the effective and expiration dates of the Certificates issued to each employer is listed below. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Bee Em Manufacturing Company, 11th & Race Streets, Philadelphia, Pennsylvania; Boys' clothing; 5 learners (T); effective August 2, 1943, expiring August 2, 1944.

Lebow Brothers, 100 W. Baltimore Street, Baltimore, Maryland; Men's clothing, officer's uniforms; 10 learners (T); effective July 29, 1943, expiring July 29, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

The Andala Company, Andalusia, Alabama; Cotton work shirts, flannel shirts; 10 percent (T); effective August 11, 1943, expiring August 11, 1944.

The Badger Raincoat Company, 342 No. Water Street, Milwaukee, Wisconsin; Mackinaws; 10 learners (T); effective August 2, 1943, expiring August 2, 1944.

The Badger Raincoat Company, 209 Franklin Street, Port Washington, Wisconsin; Mackinaws, leather jackets and field jackets; 10 learners (T); effective July 28, 1943, expiring July 28, 1944.

Camille Azar Company, 905 Broadway, Kansas City, Missouri; Ladies' robes, house coats and slack suits; 5 learners (T); effective August 11, 1943, expiring August 11, 1944.

Commercial Shirt Corporation, New Street, Clinton, New Jersey; Men's and boys' dress and sport shirts, ladies' blouses; 5 learners (T); effective July 24, 1943, expiring July 24, 1944.

The W. H. Dean Company, Mohtvale, New Jersey; Aprons and uniforms; 2 learners (T); effective July 24, 1943, expiring July 24, 1944.

Dunmore Manufacturing Company, 970 Ridge Street, Scranton, Pennsylvania; Coveralls; 40 learners (E); effective August 2, 1943, expiring February 2, 1944.

Fitz Overall Company, Atchison, Kansas; Work clothes, twill jackets, cotton H. B. for War Department; 30 learners (E); effective July 27, 1943, expiring March 8, 1944.

Fox Knapp Manufacturing Company, Tremont, Pennsylvania; Work jackets and mackinaws; 5 percent (T); effective August 4, 1943, expiring August 4, 1944.

Fox Knapp Manufacturing Company, East Pottsville Street, Pine Grove, Pennsylvania; Navy blue dress jumpers, work jackets and mackinaws; 5 percent (T); effective August 11, 1943, expiring August 11, 1944.

Kitzis Manufacturing Company, 1222 Hudson Boulevard, Bayonne, New Jersey; Cotton dresses; 5 learners (T); effective July 26, 1943, expiring July 26, 1944.

Lewis Lewin & Sons, 1108 So. 4th Street, Clinton, Indiana; Cotton work clothing; 10 learners (T); effective August 2, 1943; expiring August 2, 1944.

Millen Shirt Company, 21 Academy Avenue, Middletown, New York; Cotton shirts, rayon sportswear; 10 percent (T); effective July 28, 1943; expiring July 28, 1944.

Nannette Manufacturing Company, Sixth and Hunter Streets, Gloucester, New Jersey; Toddler and babe frocks; 13 learners (T); effective July 24, 1943, expiring July 24, 1944.

Peter Pan Dress Company, 318 Jefferson Street, Inwood, Long Island, New York; Ladies' dresses; 5 learners (T); effective July 24, 1943, expiring July 24, 1944.

R & J Underwear Company, Inc., 54 Coit Street, New London, Connecticut; Children's pajamas and underwear; 10 learners (T); effective August 11, 1943, expiring August 11, 1944.

Raritan Manufacturing Company, 284 State Street, Perth Amboy, New Jersey; Shirts; 6 learners (T); effective July 28, 1943, expiring July 28, 1944.

S & B Manufacturing Company, Andalusia, Alabama; Cotton khaki work pants; 10 percent (T); effective August 11, 1943, expiring August 11, 1944.

Louis Shaiewitz, 210 South Ninth Street, Philadelphia, Pennsylvania; Cotton dresses; 7 learners (T); effective July 28, 1943, expiring July 28, 1944.

Southern Garment Manufacturing Company, Incorporated, Culpeper, Virginia; Work pants; 10 percent (T); effective July 31, 1943, expiring July 31, 1944.

United Sheeplined Clothing Company, 804 Broadway, West Long Branch, New Jersey; Army field jackets, leather clothing; 18 learners (T); effective August 1, 1943, expiring August 1, 1944.

Mrs. M. K. Wright, 39 Woodland Avenue, Pitman, New Jersey; Ladies' maternity dresses; 3 learners (T); effective July 29, 1943, expiring July 29, 1944.

Hosiery Industry

The Alden Mills, 2308 Chartres Street, New Orleans, Louisiana; Seamless hosiery; 5 percent (A. T.); effective July 29, 1943, expiring February 8, 1944.

Crystal Hosiery Mill, Peacock Avenue, Denton, North Carolina; Infants' hosiery; 5 learners (T); effective August 2, 1943, expiring August 2, 1944.

Fleetwood Hosiery Corporation, Fleetwood, Pennsylvania; Full-fashioned hosiery; 2 learners (T); Effective August 2, 1943, expiring August 2, 1944.

Pohatcong Hosiery Mills, Incorporated, Park Avenue, Washington, New Jersey; Full-fashioned hosiery; 38 learners (A. T.); effective July 29, 1943, expiring July 29, 1944.

Tricnit Hosiery Mill, New Ipswich, New Hampshire; Seamless hosiery; 5 learners (T); effective August 11, 1943, expiring August 11, 1944.

Knitted Wear Industry

Jacob Boltz Knitting Mills, Incorporated, Pottsville, Pennsylvania; Ladies' cotton knit underwear; 5 learners (T); effective July 24, 1943, expiring July 24, 1944.

Mohnton Knitting Mills, Incorporated, Mohnton, Pennsylvania; Cotton ribbed underwear; 5 learners (T); effective July 29, 1943, expiring July 29, 1944.

Telephone Industry

Lapel Telephone Company, Lapel, Indiana; To employ learners as commercial switchboard operators at its Lapel exchange, located at Lapel, Indiana; effective August 2, 1943, expiring August 2, 1944.

Textile Industry

Century Ribbon Mills, Incorporated, 814 Farren Street, Portage, Pennsylvania; Rayon throwing; 5 learners (T); effective August 7, 1943, expiring August 7, 1944.

Wintuft Corporation, Ringgold, Georgia; Tufted bedspreads; 25 learners (A. T.); effective August 2, 1943, expiring February 2, 1944.

Cigars Industry

M. Marsh & Son, 915 Market Street, Wheeling, West Virginia; Cigars; 10 percent (T); Cigar machine operators and packers for a learning period of 320 hours and Stripping machine operators and hand strippers for a learning period of 160 hours at 75% of applicable minimum; effective August 11, 1943, expiring August 11, 1944.

Signed at New York, N. Y., this 31st day of July 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12510; Filed, August 2, 1943; 11:25 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 27, and July 29, 1943.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of the Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

H. J. Fleischhauer's Sons, 68 North 4th Street, Philadelphia, Pennsylvania; Cigar labels; 2 learners (T); Leaf layer and Press feeder for a learning period of 480 hours at 30 cents an hour until January 22, 1944.

Anna Johnson Embroiderys, 6717 Adams Street, West New York, New Jersey; Cutting embroidery; 2 learners (T); Embroidery cutter for a learning period of 160 hours at 30 cents per hour until January 29, 1944.

Signed at New York, N. Y., this 31st day of July 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12511; Filed, August 2, 1943; 11:25 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 833]

CHICAGO AND SOUTHERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor,

and the services connected therewith for Chicago and Southern Air Lines, Inc., over routes Nos. 8 and 53.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on August 10, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated July 31, 1943, Washington, D. C.
By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-12489; Filed, August 2, 1943; 9.44 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6530]

INTERSTATE TELEGRAPH CO.

ORDER FOR HEARING AND FOR SUSPENSION OF TARIFF SCHEDULE

In the matter of Interstate Telegraph Company, increased charges for telegraph communications between points in California and Nevada.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of July, 1943;

It appearing that the Interstate Telegraph Company, Bishop, California has filed with the Commission tariff schedules to become effective July 30, 1943 stating increased charges for telegraph messages between certain points in California and certain points in Nevada, said tariff schedules being designated as follows:

Interstate Telegraph Company, F. C. C. No. 8, 13th Revised Page 11; Interstate Telegraph Company, F. C. C. No. 8, 10th Revised Page 12.

It further appearing that said tariff schedules state increased charges for telegraph communications in interstate commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said schedules, in so far as they relate to increased charges for telegraph communications between points in California and points in Nevada, should be postponed pending hearing and decision on the lawfulness of such increased charges;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in the above-cited tariff schedules insofar as they relate to telegraph communications between points in California and points in Nevada;

It is further ordered, That the operation of the above-cited tariff schedules, insofar as they provide for increased charges for and in connection with telegraph communications between points in California and points in Nevada, be suspended; that the use of the charges therein stated as applicable to such communications be deferred until October 30, 1943, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in such charges or in the charges sought to be altered unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of the Interstate Telegraph Company for and in connection with telegraph communication service between points in California and points in Nevada;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, the Interstate Telegraph Company and all other carriers subject to the Commission's jurisdiction participating in the service provided under the tariff provisions herein suspended shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by reason of any increase in charges effected thereby; that each such carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and the Interstate Telegraph Company and each such participating carrier shall file with this Commission a report under oath on or before the 10th day of each calendar month, commencing November 10, 1943, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that the Interstate Telegraph Company and the said carrier parties to such tariff schedules be and they are hereby each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent and on the Director of the Office of Economic Stabilization and upon the Administrator of the Office of Price Administration;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing, beginning at 10:00 a. m. on the 15th day of September, 1943, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12450; Filed, July 31, 1943; 12:57 p. m.]

[Docket No. 6523]

MARSHALL S. NEAL AND L. W. PETERS

NOTICE OF HEARING

In re application of Marshall S. Neal, individually and as trustee of all other stockholders, Transferor, and L. W. Peters, Transferee; dated March 5, 1943; for transfer of control of Southern California Broadcasting Co., Radio Station KWKW; class of service; broadcast; class of station, broadcast; location, Pasadena, Calif.; operating assignment specified: frequency, 1,430 kc.; power, 1 kw. day; hours of operation, daytime (directional antenna).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the proposed transferee to own and operate Station KWKW.

2. To determine the manner in which the station would be operated, particularly with reference to the management and service to be rendered, if the proposed transfer should be granted.

3. To determine the consideration to be paid.

4. To determine whether the contract of sale and the proposed transfer if approved by the Commission, will vest in the transferee the complete and unrestricted title and control over the stock proposed to be sold, or if any rights and privileges are to be retained by the proposed vendors.

5. To determine if the applicants have made full and complete disclosure of all the material facts affecting the proposed transfer.

6. To determine whether the terms of the contract for the transfer of control of Station KWKW are consistent with the provisions of the Communications Act of 1934, as amended.

7. To determine whether it would serve the public interest to approve a transfer of control of KWKW, Pasadena, to the general manager of a station located approximately 11 miles distant in Glendale, California.

8. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by the proposed transfer.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Marshall S. Neal, Individually and as trustee of all other stockholders, Transferor, and L. W. Peters, Transferee, c/o Radio Station KWKW, Pasadena, California.

The licensee's address is as follows: Southern California Broadcasting Co., Radio Station KWKW, 425 East Green Street, Pasadena, California.

Dated at Washington, D. C., July 30, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-12509; Filed, August 2, 1943; 11:23 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-481]

HOPE NATURAL GAS COMPANY

ORDER POSTPONING HEARING

JULY 30, 1943.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in the above-entitled matter;

The Commission orders that: The hearing in this proceeding, heretofore set to commence on August 18, 1943, be and it is hereby postponed until August 31, 1943, at 9:45 a. m. (e. w. t.), in the Commission's hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-12405; Filed, July 31, 1943; 9:39 a. m.]

[Docket No. G-488]

CITIES SERVICE TRANSPORTATION AND CHEMICAL COMPANY

ORDER FIXING DATE OF HEARING

JULY 30, 1943.

Upon consideration of the application (to be hereafter completed), filed July 27, 1943, by Cities Service Transportation and Chemical Company, a Delaware corporation having its principal place of business in Ponca City, Oklahoma, seeking a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(1) A gas compressor station of 8,000 horsepower capacity to be located in Texas County, Oklahoma, at the western terminus of the transmission line hereinafter described;

(2) A 26-inch gas transmission line approximately 231 miles in length extending from the compressor plant hereinabove described eastward to the Blackwell compressor station of Cities Service Gas Company in Kay County, Oklahoma, such line passing through Texas, Beaver, Harper, Woods, Alfalfa and Grant Counties, Oklahoma;

(3) A dehydration plant to be located at the proposed compressor station described in (1) above to reduce the formation of hydrates in the pipe line;

(4) A pipe line gathering system to be constructed in the Hugoton gas field, Texas County, Oklahoma, to connect certain gas wells with the compressor station, described in (1) above; and

(5) A telephone pole line extending eastward from said compressor station to the telephone system of Cities Service Gas Company at Mooreland, Woodward County, Oklahoma, thence eastward by a telephone carrier circuit over such system to applicant's home office at Ponca City;

The Commission orders that:

(A) A public hearing in this proceeding be held on August 18, 1943, at 9:45 a. m. in Room No. 527, in the U. S. Court House, Kansas City, Missouri, respecting the matters involved and the issues presented by the application filed herein;

(B) Interested State commissions may participate in this proceeding as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-12430; Filed, July 31, 1943; 11:31 a. m.]

[Docket Nos. G-487, G-488]

CITIES SERVICE GAS CO., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND POSTPONING HEARING

JULY 30, 1943.

In the matters of Cities Service Gas Company, Cities Service Transportation and Chemical Company, and Cities Service Company, Docket No. G-487; Cities Service Transportation and Chemical Company, Docket No. G-488.

It appearing to the Commission that:

(a) By order of July 20, 1943, the Commission fixed the date of hearing in the above-entitled proceeding in Docket No. G-487 for 9:45 a. m., August 11, 1943, in Kansas City, Missouri;

(b) Good cause exists for postponement of such hearing in Docket No. G-487;

(c) The proceedings in both above-entitled matters, Docket Nos. G-487 and G-488, involve substantially similar issues and facts;

The Commission orders that:

(A) The hearing in Docket No. G-487, heretofore set to commence on August 11, 1943, be and it hereby is postponed until August 18, 1943, at 9:45 a. m., in Room No. 527, U. S. Court House, Kansas City, Missouri;

(B) The Order to Show Cause issued July 20, 1943, in Docket No. G-487, shall otherwise remain in full force and effect;

(C) The proceedings in the above-entitled matters, Docket Nos. G-487 and G-488, be and they are hereby consolidated for the purposes of hearing thereon.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 43-12429; Filed, July 31, 1943; 11:31 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Dockets Nos. FDC-31 and FDC-31 (a)]

VARIOUS KINDS OF BREAD

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing a definition and standard of identity for each of various kinds of bread and rolls or buns.

Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U. S. C. 133-133v (Supp. V. 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record herein, the following order be made:

Findings of Fact[1]

1. The food commonly and usually known as "bread" or "white bread", and that commonly and usually known as "rolls", "white rolls", "buns" or "white buns", are each prepared by baking a kneaded yeast-leavened dough made by moistening flour with water (or with certain other liquid ingredients hereinafter specified, alone or in combination with water), with the addition of salt, and usually with the addition of certain other ingredients, as hereafter set forth. Bread and rolls are sometimes prepared from bromated flour or phosphated flour or both, with or without admixture with plain flour. (R. pp. 30, 49, 57, 59-62, 69, 70, 71, Ex. A)

2. Rolls differ from bread in the size of the units baked, and usually in their shape. A reasonable and satisfactory differentiation is that a loaf of bread weighs after cooling one-half pound or more, whereas a roll after cooling weighs less than one-half pound. (R. pp. 60-62, 69, Ex. A)

3. All bread and rolls contain moisture. Excessive moisture content tends to defraud consumers. A reasonable maximum limitation upon the moisture, which is somewhat in excess of the usual content, is 38 percent by weight, the solids being not less than 62 percent. A satisfactory and reliable method for determining the total solids contained in bread and rolls is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official", except that if the baked unit weighs one pound or more one entire unit is used for the determination, and if the baked unit weighs less than one pound such

[1] The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

number of entire units as weigh one pound or more are used for the determination. (R. pp. 64, 68, 85–87, 138–142, Ex. A. Ex. 2)

4. Shortening is commonly, but not always, added to bread dough. Any food fat or food oil, including butter, oleomargarine, and cream, or any mixture of two or more of these, is suitable for this purpose. For the purpose of furthering the shortening action of these fats and oils, soybean lacithin (which with its associated phosphatides is commercially known as "lecithin") and monoglycerides and diglycerides of fat-forming fatty acids are sometimes used and are suitable for use in such shortening. (R. pp. 71–73, 194, 198, 209–213, 228–229, 243–244, 269–270, 295, 307, 327, 464–466, 496–497)

5. The quantity of shortening used in bread dough varies rather widely. Although the evidence is not sufficiently definite to establish a maximum limit for shortening, the usual quantities are between 2 to 6 parts by weight for each 100 parts by weight of flour used, and seldom exceed 12 parts except in the cases of "sweet goods" and "specialty goods", products so distinctively different from bread and rolls as to be unlikely to be confused by consumers with bread or rolls. Such products usually contain from 12 to 30 parts of shortening. (R. pp. 368, 2543–2544, 2549, 2594, 2597, Ex. D)

6. Milk and various milk products are widely used in making bread and rolls, and serve to improve their nutritional value and to lend other desirable characteristics. In addition to fluid milk there have been used for these purposes, singly or in combination, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and dried skim milk (including products from which part but not all of the milk fat has been separated). (R. pp. 73–75, 128–130, 438–440, 449, Ex. A)

7. In order to set bread made with any of the dairy ingredients specified in finding 6 apart from milk bread, it is reasonable that such ingredients (together with any butter and cream used) in bread be so limited in quantity or composition as not to meet the requirements prescribed in findings 42 to 45, inclusive, for the quantity and composition of such ingredients in milk bread. (R. pp. 74, 129)

8. Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, and dried sweet cream buttermilk, singly or in combination, are sometimes used in making bread or rolls for purposes similar to those stated for the dairy ingredients specified in finding 6. (R. pp. 75–76, 128, 1627–1629, 1638–1639)

9. Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, and dried egg white, singly or in combinations with each other, are sometimes used in making bread or rolls for the purpose of improving the nutritional value and imparting other desirable characteristics. (R. pp. 76, 130, Ex. A)

10. As the quantity of egg solids or egg yolk solids in the dough is increased the characteristics imparted to the baked product by such solids become more noticeable. The evidence does not establish the point at which the quantity of such solids results in products of different identities from white bread and white rolls, although the evidence indicates that such point lies between 2 parts and 5 parts for each 100 parts of flour. (R. pp. 131, 2669–2672)

11. Certain saccharine products are commonly used in making bread or rolls to furnish fermentable carbohydrates, to control the color of the crust, and to alter the taste, frequently to the extent of imparting some sweetness to the finished product. These include sugar, invert sugar (in sirup or congealed form), light-colored molasses, light-colored brown sugar, refiners sirup, dextrose, honey, corn sirup, dried corn sirup, nondiastatic malt sirup, and nondiastatic dried malt sirup. All of these products, used either singly or in combinations with each other, are satisfactory for the purposes stated. (R. pp. 76–77, 131, 712, 714–715, 740–741, 781, 785, 788, 795–797, Ex. A)

12. So-called "blackstrap molasses" and dark-colored brown sugar, by reason of their color and other properties, are unsuitable for use in bread or rolls. Concentrated water extract of raisins and concentrated water extract of prunes have been proposed as saccharine ingredients in bread or rolls, but are not shown to be suitable for this purpose, especially because of their color and taste. (R. pp. 670–672, 691, 743–744, 754–755, 1759–1761)

13. If carbohydrates are desired only for yeast fermentation, the quantity of saccharine substances added generally does not exceed 3 parts by weight (on a dry basis) for each 100 parts by weight of flour. When the baker wishes to produce some minor change in taste or in the appearance of the crumb or crust, increased quantities are used. Such baked products are considered by consumers as ordinary white bread or rolls unless they are definitely sweet or have acquired other definite characteristics from such ingredients. (R. pp. 327, 359, 791, 1046–1047, Ex. D)

14. It is impracticable to prescribe a maximum limit for saccharine ingredients generally in white bread or rolls because of the wide differences in the respective sweetness and other characteristics of such ingredients and because even where sugar alone is used the evidence is not definite as to the quantity above which an article ceases to be ordinary bread or becomes "sweet goods", although 16 parts by weight of sugar to each 100 parts by weight of flour appears to be about the average for sweet goods. (R. pp. 2744, 2947, 2979, 2983, 2990, Ex. D)

15. Malt sirup, dried malt sirup, malted barley flour, and malted wheat flour, each of which is diastatically active, are frequently used, singly or in combinations with each other, in making bread or rolls. Generally the use of these substances is for the purpose of compensating for a deficiency of natural enzymes in the flour used, and when used for this purpose alone is limited to quantities about 0.25 percent of the weight of the flour. In certain kinds of hearth bread, however, quantities of malt sirup or dried malt sirup as high as 4 percent, or even higher, are used to improve the crust characteristics, especially the color of crust. (R. pp. 505–509, 517–519, 522–523, 527–530)

16. Consumers normally expect white bread and rolls to be essentially products of wheat flour. At various times in the past, however, when there has been a scarcity of wheat flour, other similar grain products, especially corn flour, have been extensively used to replace part of the flour in making bread and rolls. Potato mash was sometimes used to develop a preliminary yeast growth, and was incorporated in the dough. So-called "dusting flour", often consisting in whole or in part of products other than wheat flour, has long been in common use to prevent the dough from sticking to the receptacles or to molding or other machinery; a considerable proportion of such dusting flour becomes incorporated in the dough. Dextrinized starch is believed by many to have the property of retaining moisture in bread after baking. The advisory standards issued by the Secretary of Agriculture for white bread, beginning with the first such standard in 1923, have all recognized the propriety of such practices to the extent of the replacement of not more than 3 percent of the wheat flour by some "other edible farinaceous substance". (R. pp. 27, 30, 34, 77–78, 111–112, 1762–1764)

17. Products which have been used and are suitable for one or more of the purposes stated in finding 16 are corn flour (or finely ground corn meal), potato flour, rice flour, cornstarch, potato starch, sweet potato starch, and wheat starch. Sometimes these products are wholly or in part dextrinized. Dextrinized wheat flour is also suitable for such use. (R. pp. 77–78, 105, 111–115, 132–133, 567–568, Exs. M and O)

18. Use in making white bread or rolls of any one or more of the products specified in finding 17, in a total quantity not greater than 3 parts by weight for each 100 parts by weight of wheat flour used, does not run counter to the normal expectation of present-day consumers. (R. pp. 34, 49, 78, 133, Ex. A)

19. Products referred to as "soybean flour," "peanut flour," and "cottonseed flour" were proposed for use, in quantities up to 3 parts per 100 parts of flour, as optional ingredients in bread and rolls. These products were claimed to serve the same purposes as the products specified in finding 17, and to contribute substantial nutritive values. (The proposal of "cottonseed flour" as an ingredient in white bread and rolls was subsequently withdrawn.) The evidence does not show that any of these products (except the soybean product referred to in finding 23) has been used to any material extent in making bread or rolls. These products contain far more protein and less starch than wheat flour, differ

widely from the products specified in finding 17, and do not perform the same functions. (R. pp. 538, 540, 613–630, 640, 1765, 1772, 3897–3908, 3910)

20. Rolled oats, ground oatmeal, and oat flour were proposed as optional ingredients for inclusion with the products specified in finding 17, on the ground that such oat products are economical and nutritious foods and furnish a distinctive and desirable flavor. The evidence does not establish that any of these products has been used in making white bread or rolls, or their suitability for such use. (R. pp. 1768–1769, Ex. P)

21. The evidence does not establish that the use of the products listed in findings 19 and 20 results in any significant improvement when the quantities used are not more than 3 parts to each 100 parts of flour; it does indicate that the inclusion of such products in white bread would run counter to the normal expectation of consumers. The evidence furnishes no basis for a determination as to what quantities of such products should be used with flour to produce such differences from white bread as would result in different identities recognizable as such by consumers. (R. pp. 624–627, 633–643, 1769–1772, 3914–3915, 3937–3938, 3942–3945)

22. Wheat germ processed in various ways to modify its enzymatic activity and to prevent rancidity has been used as an ingredient in some white bread. The processing may consist of heating it, treating it with potassium bromate, removing part of the wheat germ oil, and possibly of treating it in other ways suggested but not described in the record. Such processed wheat germ was proposed as an optional ingredient for the purpose of imparting flavor and improving other characteristics of white bread. No proposal was advanced for recognition of use of unprocessed wheat germ such as that naturally present in small amounts in flour. The testimony as to these benefits from the use of small amounts of wheat germ in white bread (1½ to 2 parts by weight of processed wheat germ per 100 parts by weight of flour) is not convincing. On the other hand, there was evidence establishing that the use of processed wheat germ in white bread has led to labeling and advertising claims based on its vitamin and mineral content, such as would likely confuse consumers with respect to identity and relative nutritive properties of bread and enriched bread. (Cf. findings 36, 37, 38, and 44 on enriched flour, 6 F.R. 2576–7) (R. pp. 116–118, 559–572, 576–577, 579–580, 584–585, 589–591, 593–605, 1765–1767, 3292–3293, 3298, 3367–3368, Ex. ZZ)

23. Ground dehulled soybeans, with or without heat treatment and with or without removal of oil, but which retain their enzymatic activity, exert a bleaching action upon flour in bread dough. The use of these products in dough permits the production of light-colored bread or rolls from unbleached or slightly bleached flour. For this purpose it is not necessary to use these products in a quantity greater than 0.5 part by weight to each 100 parts by weight of flour used. Ground dehulled soybeans have been used for this purpose in substantial amounts for more than 10 years. (R. pp. 111–113, 165–166, 539–540, 545, 552–555, 3926–3933)

24. In making bread and rolls it has become a widespread practice to add to the dough small quantities of certain mineral salts, commonly known by such designations as "yeast foods", "dough conditioners", "bread improvers". Calcium and ammonium salts are used to stimulate the growth of yeast during fermentation. Other salts, which act as oxidizing agents, are used to regulate the process of fermentation though the evidence establishes no satisfactory scientific explanation of the mechanism of their action. The evidence indicates that the addition of so-called dough conditioners tends to lessen the variability in the qualities of the dough resulting from differences in characteristics of the flour used, differences in water supply, and other factors, and thereby to facilitate the handling of the dough in mechanized bakeries. (R. pp. 78–82, 133–135, 838–858, 875–876, 892–900, 904–905, 995–999, 1014, 1034–1035, 1065, 1071–1074, 1080)

25. Calcium salts used for the purpose described in finding 24 are monocalcium phosphate, dicalcium phosphate, calcium sulfate, and calcium lactate. Ammonium salts used for this purpose are mono-ammonium phosphate, di-ammonium phosphate, ammonium sulfate, ammonium chloride, ammonium carbonate and ammonium lactate. It is not necessary to use any of these salts or any combination of them in a quantity greater than 0.25 part by weight for each 100 parts by weight of flour used. (R. pp. 78–81, 104, 133–135, 831, 838–840, 870, 883–884, 887–888, 990, 992–993)

26. Oxidizing agents used for the purposes described in finding 24 are potassium bromate, potassium iodate, calcium peroxide, ammonium persulfate, potassium persulfate, and sodium chlorite. It is not necessary to use any of these oxidizing agents or any combination of them (including the potassium bromate contained in any bromated flour used) in a quantity greater than 0.0075 part by weight for each 100 parts by weight of flour used. (R. pp. 78–81, 135–136, 840–841, 895–900, 933–935, 990–994)

27. A product described as "grain infusion" was proposed for use as a yeast food and bread improver. It is a mixture of concentrated corn steepwater, neutralized with calcium carbonate, and dextrinized cornstarch with added ammonium chloride, salt, and potassium bromate. The concentrated steepwater, a byproduct of the starch industry now generally used for cattle feed, is made by concentrating the liquid obtained by steeping corn in water containing 0.15 percent of sulfur dioxide. The so-called "grain infusion" as sold to the baker contains approximately 0.002 percent of sulfur dioxide, which is oxidized during fermentation and baking. The evidence does not establish that this so-called "grain infusion" is suitable for use in bread or that it improves the quality of bread otherwise than through the action of the calcium and ammonium salts and the potassium bromate contained in it. (R. pp. 946–981, 1776, 2146–2175, 4106–4112, 4129–4130, 4134)

28. Amino acids, especially cystine, were proposed for use as oxidizing agents. The evidence does not establish the suitability of such acids for use in bread or rolls. (R. pp. 1773–1775 Ex. W)

29. Spice is something added to bread or rolls, usually on the surface but occasionally by incorporation in the dough. Spice oil and spice extracts have been used to a slight extent Such additions materially affect the flavor of the bread or rolls. Consumers do not ordinarily expect such additions unless announced by appropriate label statement. Such statements which are accurate and informative are "Spiced", "Spice Added", "With Added Spice", or such statements in which the common or usual name of the spice used is substituted for the word "spice". (R. pp. 84, 1817–1820)

30. Bread is subject to deterioration and spoilage. The most common form of deterioration is staling. Old bread or stale bread is almost universally regarded as less desirable than fresh bread. Staling in bread may be retarded by various devices. The length of time for staleness to develop varies, depending on several factors, but it is the common practice of many bakers to withdraw bread from sale two days after baking. Some bakers make a price concession on bread over one day old. (R. pp. 435, 1162, 1407–1408, 1438–1440, 2365, Exs. FF, GG)

31. In addition to staling, bread is subject to spoilage from the growth of mold. If the surface of bread is moist, it is a good medium for the growth of mold spores. The temperature of baking effectively destroys any mold spores in the dough, but such spores may be present in the bakery and bread not suitably protected during and after cooling may become contaminated with such spores. When bread is sliced and wrapped, as is the common practice among large bakeries, the moisture remaining in the bread is held inside the wrapper, keeping the surface of bread moist and so creating a favorable environment for the growth of mold spores which may have accumulated on the surface of the loaf or of the slices prior to wrapping. Unwrapped bread from which moisture can evaporate readily is less likely to become moldy. Mold development on bread is most rapid in warm weather, especially when the humidity is high. (R. pp. 1124–1137, 1140, 1143, 1270, 1481, 1500, Ex. AA)

32. The time necessary for the development of visible mold varies greatly, depending on a number of conditions. Under conditions most favorable to mold growth, a visible speck of mold may develop within one or two days after exposure of the bread to the spores. Under normal summer conditions, however, several days will elapse between the time of contamination and the appearance of a mold spot sufficiently large to be noticed. (R. pp. 1143, 1409, 1413, 1473, 1490–1491)

33. A considerable number of bakers take no steps to protect their bread from mold other than controls within the bakery which tend to prevent contamination of the bread with mold spores. A few bakers have installed special precautionary devices for this purpose which are elaborate and beyond the means of bakers generally. Methods available to most bakers do not wholly prevent contamination, and where this occurs in sufficient degree and conditions are favorable to mold growth losses of bread may follow. Many bakers, and probably a majority of wholesale bakers, have adopted the practice of adding to the dough, at least during summer months, some substance which will retard the growth of mold on the bread. Proposals were made to recognize as optional ingredients for this purpose sodium and calcium propionates and sodium diacetate. (R. pp. 1138–1139, 1151, 1154, 1476–1479, 1673–1674, 3879–3880, 3986, 4046–4047, Exs. X, QQ)

34. In addition to spoilage from mold, decomposition and spoilage in bread are caused on rare occasions by the growth inside the loaf of a type of bacterium which, in spore form, can survive the temperature of baking. This bacterium, *Bacillus mesentericus*, causes spoilage which in advanced stages is characterized by an unpleasant odor and a pasty consistency of the center of the loaf. This pasty material will pull out into fine threads, and such bread is said to be "ropy". *B. mesentericus* is known as the rope-forming organism. (R. pp. 1163–1164, 1166, 1231, 1425, 2658, 2993–2994, 3001, 3820–3822, 4045)

35. Technical experts in the baking industry are not entirely in agreement as to how the rope organism enters bread dough but they generally agree that the most probable means is through use in preparing the dough of raw materials contaminated with numerous spores of the organism. There is some possibility that spores may be air-borne and enter the dough from the air circulating in the bakery. In order for spoilage from rope organisms to develop in bread there must be a combination of circumstances, where a considerable number of spores enter the dough and where the bread is held for some time after baking at a high temperature under conditions whereby the moisture in the bread is retained. Where such a combination of circumstances occurs, large losses may occur from such spoilage. (R. pp. 1165–1167, 1169, 1353–1354, 1495, 2190, 3813, 3819, 3824, Exs. HH, II)

36. A considerable number of bakers take no steps for the protection of bread from rope other than by the use of ingredients sufficiently low in spore content. The ordinary baker, however, has no means of quickly testing ingredients to determine if they are contaminated with rope-forming organisms and must rely upon suppliers to furnish ingredients which are safe to use. Much progress has been made by suppliers in safeguarding their product. Many bakers, however, probably including a majority of wholesale bakers, at some time during the year add some type of ingredient to dough as additional assurance against rope development. (R. pp. 1174, 1294–1298, 1502, 3826, 3832, 3870–3871, 4042, 4044, Exs. HH, WWWW)

37. It was found several years ago that materials which render the dough slightly more acid than normal are effective in preventing the development of the rope organism. The acidity of the finished bread need not be greater than pH 5.0. The necessary increase in acidity is frequently effected by adding about a pint of 100-grain vinegar for each 100 pounds of flour used in the dough. Another product used by bakers for increasing acidity is monocalcium phosphate, which is the acidifying ingredient in phosphated flour. About ½ pound or less of monocalcium phosphate per 100 pounds of flour usually increases acidity sufficiently for this purpose, or phosphated flour may be used. Other acids which are said not to interfere with yeast growth have also been tried to a limited extent but have no advantage over vinegar or monocalcium phosphate and, so far as the record shows, such other acids are not now in use. In more recent years it has been found that sodium and calcium propionates are effective in retarding the growth of rope organism without a significant change in acidity. Even more recently sodium diacetate, which liberates acetic acid in the dough, has been used in lieu of vinegar and monocalcium phosphate as insurance against possibility of rope. (R. pp. 137, 1040, 1170, 1174, 1183–1184, 1644, 1674–1679, 3818, 3968–3969, 3976–3977, Exs. JJ, KK)

38. The quantity of calcium propionate or sodium propionate or both, used in white bread for the purposes indicated in findings 33 and 37 need not exceed 0.32 part by weight for each 100 parts by weight of flour used. The quantity of sodium diacetate used for such purposes need not exceed 0.4 part by weight. The quantity of any vinegar used for the purposes indicated in finding 37 need not exceed 1 pint of any vinegar of 100-grain strength for each 100 pounds of flour used, or corresponding amounts of vinegar of less strength to furnish an equivalent amount of acetic acid. The quantity of monocalcium phosphate used for the purposes indicated in finding 37 exceeds the amount used as a yeast food (for which purpose the maximum amount used is 0.25 part for each 100 parts by weight of flour used) but does not exceed 0.75 part for each 100 parts by weight of flour. (R. pp. 1322–1323, 1413, 1486, 1649, 1680, 1687, 3964, 3969, 3976, 3977, Ex. X)

39. The evidence shows that a substantial proportion of the bakers do not consider that they have a mold or rope problem and that they use none of the substances referred to in finding 37. Most bakers consider that they do have a mold or rope problem during the months of relatively high temperature, particularly when the humidity is high, and these bakers use such substances during those months. Some bakers consider that they have a mold and rope problem throughout the entire year and use such substances continuously. The evidence points to possibilities that the use of such substances may result in practices contrary to consumer interest but does not establish that such practices exist or are likely to develop to any material extent. (R. pp. 1412, 1428–1429, 1453–1459, 1478–1479, 1495, 1697, 2187–2191, 3003–3005, 3879–3880, 3986, 4046–4047, Ex. QQ)

40. All of the substances used as set forth in finding 38 act as preservatives in bread and rolls in that they delay spoilage by certain microorganisms. All of such substances, except vinegar, are chemicals within the usual meaning of that term. (R. pp. 2046–2048, 2050)

41. The foods commonly and usually known as "milk bread" and "milk rolls" or "milk buns" differ from bread and rolls primarily in that they contain a certain minimum of milk solids. Findings 2 to 5 and 9 to 41, inclusive, are applicable to milk bread and milk rolls. (R. pp. 35, 1830, 1831, 2415, 2527, 2586, Ex. A)

42. Milk bread is prepared in the home and to a considerable extent in commercial bakeries by using milk as the sole ingredient for moistening the flour and other ingredients to make the dough. However, many bakers use, instead of milk, various milk products with or without water, containing essentially the same quantity of milk solids as would be supplied by milk when it is used as the sole wetting agent. Milk products which are used for this purpose and which are suitable for such use are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and reconstituted milk (see finding 44). (R. pp. 1836–1837, 2527–2528, Exs. A, III)

43. The solids of milk may be divided into two well-recognized components, milk fat and nonfat milk solids. The relative proportion of fat and nonfat milk solids varies somewhat, but in milk of average composition as delivered to consumers the quantity of nonfat milk solids is not more than 2.3 times the quantity of milk fat. In milks of greater richness than average milk the fat content may rise to a point where the nonfat milk solids is about 1.2 times the milk fat. (R. pp. 1838, 2371–2383, 2529, Exs. 4, AAA, LLL)

44. The dairy ingredients used to supply milk constituent solids in the reconstitution of milk for making milk bread are skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any two or more of these, combined with butter or cream or both. Unless a maximum limit is set on the proportion of nonfat milk solids to milk fat in reconstituting milk, abuses can easily arise through the use of decreasing quantities of milk fat and increasing quantities of the less expensive nonfat milk solids. It is reasonable to require that when reconstituted milk is used, the proportion of nonfat milk solids to milk fat fall within the range set forth in finding 43. (R. pp. 444–447, 1830, 1833, 1836, 1838, 1846, 2507, 2509, Exs. 2, III)

45. The quantity of water necessary to make flours into dough varies somewhat, but it is generally about 60 pounds

to each 100 pounds of flour and in practically no case is less than 58 pounds to 100 pounds of flour. In milk of average composition, 58 pounds of moisture is associated with 8.23 pounds of milk solids; a reasonable minimum requirement for milk solids in milk bread made with dairy ingredients other than fluid milk is 8.2 pounds to each 100 pounds of flour. Because of variation in the total solids content of fluid milk and because of differences in the quantity of moisture absorbed in making the dough it would not be reasonable to prescribe a minimum based on the average composition of milk for the milk solids content of milk bread when fluid milk is used as the sole moistening ingredient. (R. pp. 452–454, 1840, 2445–2446, 2565–2566, 2607)

46. Milk bread is generally considered by consumers to be made from milk and not from buttermilk. Buttermilk and its products, such as those listed in finding 8, are not appropriate ingredients of milk bread. (R. pp. 443, 1840–1842, 2419)

47. In the announcement of the hearing definitions and standards of identity were proposed for—

Cream bread and cream rolls or cream buns, butter bread and butter rolls or butter buns, egg bread and egg rolls or egg buns, butter and egg bread and butter and egg rolls or butter and egg buns,

Honey bread and honey rolls or honey buns, milk and honey bread and milk and honey rolls or milk and honey buns.

In each instance the American Bakers Association proposed other definitions and standards differing from the proposals for hearing chiefly in that they would require substantially lesser amounts of the ingredients indicated by the names of the various kinds of bread and rolls or buns. (R. Ex. 1. Also see page references under finding 48)

48. The quantities of the characterizing ingredients specified in the published proposal and the quantities recommended by the American Bakers Association are shown in the following tabulation ("parts" signify parts by weight for each 100 parts by weight of flour used in preparing dough):

	Published proposals	Proposals by American Bakers' Association
Cream bread, Cream rolls, Cream buns	12 parts of milk fat from cream or combination of milk fat and nonfat milk solids in certain specified proportions.	4 parts milk fat.
Butter bread, Butter rolls, Butter buns	12 parts milk fat from butter	4 parts milk fat.
Egg bread, Egg rolls, Egg buns	5 parts of egg solids	2 parts of egg solids.
Butter and egg bread, Butter and egg rolls, Butter and egg buns	12 parts milk fat from butter, 5 parts egg solids.	4 parts milk fat. 2 parts egg solids.
Honey bread, Honey rolls, Honey buns	16 parts honey solids	4 parts.[1]
Milk and honey bread, Milk and honey rolls, Milk and honey buns	Milk content same as for milk bread. 16 parts honey solids.	Milk content same as for milk bread. 4 parts honey solids.

[1] 3 parts of honey solids was recommended by a witness introduced by the American Bakers' Association (R. pp. 2868, 2870).

(R. pp. 1849–1854, 2423–2425, 2427–2428, 2476–2479, 2552–2555, 2568, 2623–2625, 2638, 2644–2645, 2673, 2703, 2713, 2717, 2739–2746, 2755–2757, 2759–2760, 2795–2796, 2820, 2837–2838, 2846, 2933, 2965, 3046–3047, 3049–3051, 3061, 3068)

49. There have been sold at times under the names of the products listed in finding 48, or under similar names, breads containing little or none of the ingredients for which the breads have been named. This practice has not been widespread. The amount of such bread is small in comparison with the total amount of bread sold but this practice has tended to mislead the consumer, giving the impression that these ingredients are used in such substantial amounts as to characterize the breads. (R. pp. 1851, 1854, 2339–2340, 2476, 2478, 2497–2498, 2617–2620, 2625, 2627, 2631, 2640, 2740–2742, 2788, 2910–2911, 3044–3046, 3058–3060, Ex. III)

50. The evidence does not establish that products containing these ingredients in the quantities proposed by the American Bakers Association (see finding 48) are distinguishable by the ordinary consumer from the product commonly known as "bread" or "white bread". It is not shown that benefit to consumers would result from the promulgation of definitions and standards of identity for these products as proposed by the American Bakers Association. (R. pp. 2495, 2552–2553, 2555, 2569, 2621–2624, 2632, 2641, 2672, 2742–2743, 2795–2797, 2807, 2820, 3036–3037, 3039, 3046, 3049, 3051)

51. There is not shown to be, or to be likely to develop, a demand on the part of consumers for bread or rolls containing the quantities of these ingredients in the published proposals which were supported by the Food and Drug Administration (see finding 48). The evidence does not establish that such proposed definitions and standards of identity would be reasonable. (R. pp. 1851, 2427, 2476, 2498, 2553, 2570, 2700, 2713–2715, 2867–2868, 2931–2932, 2965–2966)

52. The foods commonly and usually known as "raisin bread" and "raisin rolls" or "raisin buns" differ from bread and rolls primarily in that raisins are added to the dough before baking. Seedless (or seeded) raisins are suitable for such use. They are usually washed and are often soaked in water before being added to the dough. Except as noted in findings 54 and 55, findings 2 to 6 and 8 to 40, inclusive, are applicable to raisin bread and raisin rolls; finding 7 is inapplicable thereto. (R. pp. 35–36, 3076–3084, 3086–3091, 3092–3097)

53. The quantity of raisins used in making raisin bread varies somewhat. A minimum requirement for raisins based on the weight of raisins in the loaf was contained in the advisory standard for raisin bread promulgated some years ago. A more understandable requirement from the standpoint of the baker is a specification of the weight of raisins (before soaking or washing) used with each 100 parts by weight of flour. The requirement of the advisory standard calculated to this basis is about 35 parts of raisins to each 100 parts of flour. In recent years it has become the practice of most bakers to use substantially more raisins and a minimum requirement of 50 parts of raisins to each 100 parts of flour now conforms more nearly to consumer preference and good bakery practice. (R. pp. 35–36, 3076–3080, 3088–3090, 3093–3097, Exs. 2, III, TTT, UUU, VVV)

54. When making raisin bread some bakers use as a saccharine ingredient a raisin syrup made by concentrating a water extract of raisins (referred to in finding 12). Such an extract is suitable for use in raisin bread but such raisin extractives as are incorporated in this manner do not take the place of raisins used in making the raisin bread. Raisin bread and raisin rolls are sometimes prepared with an "icing" or "frosting". (R. pp. 3080, 3125)

55. The method of determining total solids as described in finding 3 must be modified slightly to be applicable to raisin bread and raisin rolls in order to insure the proper mixing of raisins in the sample. This can be accomplished by passing the sample twice through a food chopper and then taking a portion for solids determination without attempting to pass the ground sample through a 20-mesh sieve. (R. pp. 3086–3087, Ex. 2)

56. The foods commonly and usually known as "whole wheat bread", "graham bread", "entire white bread", and "whole wheat rolls", "graham rolls", "entire wheat rolls", or "whole wheat buns", "graham buns", "entire wheat buns", differ from white bread and white rolls only in that the dough is made with whole wheat flour or bromated whole wheat flour, and no flour, bromated flour, or phosphated flour is used therein. Findings 2 to 6 and 8 to 40, inclusive, are applicable to whole wheat bread and whole wheat rolls, except that the maximum limit for propionates (see finding 38) is 0.38 part by weight to each 100 parts by weight of whole wheat flour used. Finding 7 is inapplicable to whole wheat bread and whole wheat rolls. (R. pp. 34–35, 1323, 1413, 3126–3135, 3160–3161, Exs. 2 and A)

57. Several different kinds of bread and rolls are prepared which differ from white bread and white rolls only in that the dough is made by using various mixtures of two or more of the wheat ingredients flour (including bromated flour and phosphated flour), whole wheat flour, cracked wheat, crushed wheat. In order to obtain in finished bread and rolls of these kinds the definite characteristics of each of the wheat ingredients used, it is necessary that the quantity of each such ingredient be not less than 20 percent by weight of the mixture of wheat ingredients used. Findings 2 to 6 and 8 to 40, inclusive, are applicable to

bread and rolls of these kinds, except that the maximum limit for propionates (see finding 8) is 0.38 part by weight to each 100 parts by weight of the mixture of wheat ingredients. Finding 7 is inapplicable to bread and rolls of these kinds. (R. pp. 38, 1323, 1413, 3135–3158, 3160–3161, Exs. 5, 6, 7)

58. Bread and rolls of these kinds are ordinarily labeled with the word "bread" and "rolls", preceded by the name of one of the wheat ingredients (for example, "cracked wheat bread"). Consumers are confused as to the composition of such products by the failure to disclose in the name other wheat ingredients present in characterizing quantities. Names for them which are accurate and informative are the words "bread" and "rolls" or "buns", as the case may be, preceded by words which show the wheat ingredients used in the order of their predominance, if any, by weight in the mixture, as for example, "white and whole wheat bread". R. pp. 3135–3158, Exs. 5, 6, 7)

59. "Enriched bread" and "enriched rolls" or "enriched buns" are the common and usual names of baked products identical with bread and rolls, respectively, except that they contain added nutrients and are not subject to the limitations indicated in finding 7. The reasons for enriching flour and for regulating such enrichment are applicable to enriched bread and enriched rolls; such reasons are set forth in findings 33 to 41, inclusive, of the order prescribing a definition and standard of identity for enriched flour (6 F.R. 2574–82), as modified and supplemented by findings 1 to 11, inclusive, of the order amending that definition and standard of identity (8 F.R. 9115–16). The basis for requiring or permitting the particular enriching ingredients and the particular quantities thereof specified in such findings is also applicable to enriched bread and enriched rolls. Findings 2 to 6, 8 to 21, and 23 to 40, inclusive, of this order, are applicable to enriched bread and enriched rolls. (R. pp. 3241–3255)

60. The quantities of vitamins and minerals in enriched bread and enriched rolls are those which result from the use of enriched flour or enriched bromated flour in lieu of flour, bromated flour, or phosphated flour. These quantities may be contributed by any of the following methods, or by any two or more of them in combination:

(a) Enriched flour or enriched bromated flour is used, in whole or in part.

(b) The substances used for enriching flour (including wheat germ or partly defatted wheat germ in a quantity not more than 5 parts by weight to each 100 parts of flour, bromated flour, and phosphated flour used) are added in making the dough, under the conditions permitted by § 15.010, as amended, for the addition of such substances in preparing enriched flour.

(c) Ingredients of bread which contain such vitamins or minerals (e. g., yeast, dried skim milk, monocalcium phosphate) are used within the limits, if any, for such use in bread. (R. p. 3241; Supp. R. pp. 375, 843, 893, 900, 958, 961)

61. It would not be reasonable to subject enriched bread or enriched rolls to any requirement for or limitation on enrichment that cannot be met in ordinary commercial practice by the use of any enriched flour which conforms to the definition and standard of identity prescribed in § 15.010, as amended. (R. p. 3320)

62. The flour content of enriched bread and enriched rolls varies from a minimum of about 60 percent to a maximum of about 75 percent, depending upon such factors as the quantity of ingredients other than flour used and the moisture content of the finished products. In baking such products there is some loss of vitamins, mostly through destruction in the crust. Such losses of niacin, riboflavin, and vitamin D are negligible, and in the cases of niacin and riboflavin are compensated by some contribution of these vitamins by yeast and other ingredients commonly used. Except as noted for thiamine, riboflavin, and calcium in findings 63, 64, and 65, minima for the vitamins and minerals in enriched bread and enriched rolls of 60 percent of the minima prescribed for enriched flour, and maxima of 75 percent of the maxima for enriched flour, are, when rounded off to the nearest significant decimal point, reasonable limitations when enriched flour is used to make enriched bread and enriched rolls. On this basis each pound of enriched bread or enriched rolls contains not less than 10 milligrams nor more than 15 milligrams of niacin; not less than 8 milligrams nor more than 12.5 milligrams of iron; and when the optional ingredient vitamin D is used, not less than 150 U. S. P. Units nor more than 750 U. S. P. Units of such vitamin. It would not be reasonable to prescribe minima and maxima for vitamins and minerals, when they are added in making the dough, different from the minima and maxima prescribed when enriched flour is used. An unnecessarily wide spread between minima and maxima would likely lead to competitive increases between manufacturers, accompanied by such advertising claims as would confuse consumers as to their nutritional needs and the value of enriched bread in supplying those needs. Consumer understanding of the value of enriched bread will be promoted by requiring its composition to be as nearly uniform as practicable as to both quantities and kinds of nutritional factors present. (R. pp. 3241–3252, 3306, 3466–3472, 3474–3488, 3692–3696, 3770–3782, 3786–3800; Supp. R. pp. 287, 362–364, 645, 648, 649, 844–854)

63. In baking enriched bread and enriched rolls losses of thiamine are appreciable. However, if flour enriched to the minimum of 2 milligrams of thiamine per pound is used there is sufficient contribution of thiamine from the yeast and other ingredients customarily added that in common commercial practice the finished products contain not less than 1.1 milligrams of thiamine per pound. If flour enriched to the maximum of 2.5 milligrams per pound is used, the thiamine content of the finished products, after due allowances are made for contributions from such ingredients and for baking losses, will not exceed 1.8 milligrams per pound. (R. pp. 3242–3251, 3466–3472, 3474–3488, 3770–3782; Supp. R. pp. 363–368, 372, 647, 844–854)

64. Yeast and milk or its products used in making enriched bread and rolls may contribute as much as 0.48 milligram of riboflavin per pound of bread or rolls. When these are used with enriched flour containing 1.5 milligrams riboflavin per pound the riboflavin content of the enriched bread or enriched rolls may approach 1.6 milligrams per pound. When milk and its products are not used and the enriched flour contains the minimum of 1.2 milligrams riboflavin per pound the riboflavin content of the enriched bread or enriched rolls may fall to nearly 0.7 milligram per pound. (Supp. R. pp. 844, 848)

65. Dried skim milk, so-called "bread improvers", rope inhibitors, and other optional ingredients used in making bread and rolls may contribute nearly 300 milligrams of calcium per pound of bread or rolls. When these are used with enriched flour containing 625 milligrams calcium per pound the calcium content of the enriched bread or enriched rolls may approach 800 milligrams per pound, particularly if water used in making the dough is high in calcium. When these are not used and the enriched flour contains the minimum of 500 milligrams calcium per pound the calcium content of the enriched bread or enriched rolls may fall to about 300 milligrams per pound. (Supp. R. pp. 849, 858)

66. The following are reasonable limits for the specified vitamins and minerals in enriched bread and enriched rolls or enriched buns:

	Minimum	Maximum
Required ingredients:	*Mg. per lb.*	*Mg. per lb.*
Thiamine	1.1	1.8
Niacin	10.0	15.0
Riboflavin	.7	1.6
Iron	8.0	12.5
Optional ingredients:		
Calcium	300	800
	U. S. P. units per lb.	*U. S. P. units per lb.*
Vitamin D	150	750

(Supp. R. pp. 153, 157, 159, 160–162, 221, 278–280, 312–313, 386–388, 773–774, 797–798, 843–848, 888)

Conclusions

On the basis of the foregoing findings of fact it is concluded that:

(a) The evidence does not establish a basis for definitions and standards of identity, which would be reasonable and would promote honesty and fair dealing in the interest of consumers, for—

Cream bread and cream rolls or cream buns.
Butter bread and butter rolls or butter buns.
Egg bread and egg rolls or egg buns.
Butter and egg bread and butter and egg rolls or butter and egg buns.
Honey bread and honey rolls or honey buns.
Milk and honey bread and milk and honey rolls or milk and honey buns.

(b) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for white bread and white rolls permitting the use as optional ingredients of soybean flour (except the soybean product referred to in finding 23 and within the limit set forth in such finding), peanut flour, cottonseed flour, rolled oats, ground oatmeal, or oat flour in quantities insufficient to differentiate the baked products from bread and rolls. The evidence does not establish a basis for a determination as to what provisions should be included in definitions and standards of identity, which will promote honesty and fair dealing in the interest of consumers, for baked products containing such ingredients in quantities sufficient to differentiate such products from white bread and white rolls.

(c) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls, except enriched bread and enriched rolls, providing for the use of processed wheat germ.

(d) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls, except raisin bread and raisin rolls, providing for the use of concentrated water extract of raisins or raisin sirup.

(e) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls providing for the use of blackstrap molasses, dark-colored brown sugar, or concentrated water extract of prunes.

(f) The evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls providing for the use of amino acids or of so-called "grain infusion", or a definition and standard of identity for raisin bread or raisin rolls providing for the use of raisins in any quantity less than 50 parts by weight to each 100 parts by weight of any kind of flour ingredient used.

(g) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls made from two or more of the wheat ingredients flour (including bromated flour and phosphated flour), whole wheat flour, cracked wheat, and crushed wheat under the name of one of such ingredients, or which provides for the use of any such ingredient in any quantity less than 20 percent by weight of the total of such ingredients.

(h) The record contains no evidence on the interest of consumers in label declaration of the presence of the preservatives calcium propionate, sodium propionate, sodium diacetate, monocalcium phosphate, and vinegar. However, section 403 (k) of the Act requires a statement in the labeling of bread and rolls in which calcium propionate, sodium propionate, sodium diacetate, or monocalcium phosphate is used, disclosing the fact that such chemical preservative is present. An informative and accurate statement of that fact is "_____ added to retard spoilage", the blank being filled in with the name whereby the chemical preservative used is above designated.

(i) Each of the following regulations fixing and establishing definitions and standards of identity for various kinds of bread and rolls or buns will promote honesty and fair dealing in the interest of consumers, and such regulations are hereby promulgated:

Regulations

§ 17.5 *Bread and rolls or buns; identity; label statement of optional ingredients.* (a) Each of the foods bread, and rolls or buns, is prepared by baking a kneaded yeast-leavened dough made by moistening flour with water, or with one or more of the liquid optional ingredients hereinafter specified, or with any mixture of water and one or more of such ingredients. (The term "flour", unqualified, as used in this section includes flour, bromated flour, and phosphated flour. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls.) Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients prescribed by the following subparagraphs (1) to (12), inclusive, may be used:

(1) Shortening.

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any combination of two or more of these; except that any such ingredient or combination (together with any butter and cream used) is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by § 17.7.

(3) Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or more of these.

(4) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two or more of these.

(5) Sugar, invert sugar (in congealed or sirup form), light-colored brown sugar, refiners sirup, dextrose, honey, corn sirup, dried corn sirup, nondiastatic dried malt sirup, molasses (except blackstrap molasses), or any combination of two or more of these.

(6) Malt sirup, dried malt sirup, malted barley flour, malted wheat flour, each of which is diastatically active, or any combination of two or more of these.

(7) Corn flour (including finely ground corn meal), potato flour, rice flour, wheat starch, cornstarch, potato starch, sweet potato starch, any of which may be wholly or in part dextrinized, dextrinized wheat flour or any combination of two or more of these; but the total weight thereof is not more than 3 parts for each 100 parts by weight of flour used.

(8) Ground dehulled soybeans, which may be heat treated, from which oil may be removed, but which retain enzymatic activity; but the weight thereof is not more than 0.5 part for each 100 parts by weight of flour used.

(9) Calcium sulfate, calcium lactate, mono-ammonium phosphate, diammonium phosphate, ammonium sulfate, ammonium chloride, ammonium carbonate, ammonium lactate, monocalcium phosphate, dicalcium phosphate, or any combination of two or more of these; but the total weight thereof (not including the monocalcium phosphate in any phosphated flour used) is not more than 0.25 part for each 100 parts by weight of flour used.

(10) Potassium bromate, potassium iodate, calcium peroxide, ammonium persulfate, potassium persulfate, sodium chlorite, or any combination of two or more of these; but the total weight thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(11) (i) Monocalcium phosphate, but the total quantity thereof, including the quantity in any phosphated flour used and any quantity added as permitted by subparagraph (9), is not less than 0.25 part and not more than 0.75 part by weight to each 100 parts by weight of flour used; or (ii) a vinegar, in a quantity equivalent in acid strength to not more than 1 pint of 100-grain distilled vinegar for each 100 pounds of flour used; or (iii) calcium propionate, sodium propionate, or any mixture of these, but the total weight thereof is not more than 0.32 part for each 100 parts by weight of flour used; or (iv) sodium diacetate, but the weight thereof is not more than 0.4 part for each 100 parts by weight of flour used.

(12) Spice (including spice oil and spice extract). Each of such foods contains not less than 62 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official", except that if the baked unit weighs 1 pound or more 1 entire unit is used for

the determination, and if the baked unit weighs less than 1 pound, such number of entire units as weigh 1 pound or more are used for the determination.

(b) Bread is baked in units each of which weighs one-half pound or more after cooling. Rolls or buns are baked in units each of which weighs less than one-half pound after cooling.

(c) (1) When any optional ingredient, except a vinegar, permitted by paragraph (a) (11) is used, the label shall bear the statement "_____ added to retard spoilage", the blank being filled in with the name whereby the ingredient used is designated in such paragraph.

(2) When an optional ingredient permitted by paragraph (a) (12) is used, the label shall bear the statement "spiced" or "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common or usual name or names of the spice may be added.

(3) Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the words and statements hereinbefore specified in this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 17.6 *Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.* (a) Each of the foods enriched bread, and enriched rolls or enriched buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread by § 17.5 (a) and (c), except that:

(1) Each such food contains in each pound not less than 1.1 milligrams and not more than 1.8 milligrams of thiamine, not less than 0.7 milligram and not more than 1.6 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacin amide, not less than 8.0 milligrams and not more than 12.5 milligrams of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 150 U. S. P. Units and not more than 750 U. S. P. Units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 300 milligrams and not more than 800 milligrams of calcium (Ca);

(4) Each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but in no case is the total quantity thereof more than the maximum which may be present as a result of the use of enriched flour;

(5) Enriched flour may be used, in whole or in part, instead of flour; and

(6) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of milk and dairy ingredients does not apply.

As used in this section the term "flour", unqualified, includes bromated flour and phosphated flour; the term "enriched flour" includes enriched bromated flour. The prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) may be supplied or partly supplied through the use of enriched flour; or through the direct addition of such substance under the conditions permitted by § 15.010, as amended, for the addition of such substance in the preparation of enriched flour; or through the use of any ingredient containing such substance, which ingredient is required or permitted by § 17.5 (a), within the limits, if any, prescribed by such section (as modified by subparagraph (6) of this paragraph); or through the use of wheat germ; or through any two or more of such methods.

(b) "Enriched bread" is baked in units each of which weighs one-half pound or more after cooling. "Enriched rolls" or "Enriched buns" are baked in units each of which weighs less than one-half pound after cooling.

§ 17.7 *Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.* (a) Each of the foods milk bread, and milk rolls or milk buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the dairy ingredients prescribed in paragraph (c) is used, with or without water, in a quantity containing not less than 8.2 parts by weight of milk solids for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used); and

(2) No ingredient permitted by § 17.5 (a) (3) is used.

(b) Milk bread is baked in units each of which weighs one-half pound or more after cooling. Milk rolls or milk buns are baked in units each of which weighs less than one-half pound after cooling.

(c) The dairy ingredients referred to in paragraph (a) (1) are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and a mixture of butter or cream or both with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of milk fat therein.

§ 17.8 *Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.* (a) Each of the foods raisin bread, and raisin rolls or raisin buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) Not less than 50 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used);

(2) Water extract of raisins may be used (but not to replace raisins);

(3) The baked units may bear icing or frosting;

(4) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(5) In determining its total solids, instead of following the direction "Grind sample just to pass a 20-mesh sieve" (Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official"), comminute the sample by passing it twice through a food chopper.

(b) Raisin bread is baked in units each of which weighs one-half pound or more after cooling. Raisin rolls or raisin buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.9 *Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.* (a) Each of the foods whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) The dough is made with whole wheat flour and no flour is used therein;

(2) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used, is not more than 0.38 part for each 100 parts by weight of whole wheat flour used.

As used in this section the term "flour", unqualified, includes flour, bromated flour, and phosphated flour; the term "whole wheat flour" includes whole wheat flour and bromated whole wheat flour. The potassium bromate in any bromated whole wheat flour used shall be deemed to be an optional ingredient in the whole wheat bread or whole wheat rolls.

(b) Whole wheat bread, graham bread, or entire wheat bread, is baked in units each of which weighs one-half pound or more after cooling. Whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, or entire wheat buns, are baked in units each of which weighs less than one-half pound after cooling.

§ 17.10 *Breads and rolls or buns made with mixtures of flour, whole wheat flour, cracked wheat, crushed wheat;*

identity; label statement of optional ingredients. (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) The dough is made with a mixture of two or more of the following wheat ingredients in which the weight of each such ingredient used is not less than 20 percent of the weight of such mixture: (i) Flour (including bromated flour and phosphated flour); (ii) whole wheat flour (including bromated whole wheat flour); (iii) cracked wheat; (iv) crushed wheat;

(2) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used is not more than 0.38 part for each 100 parts by weight of such mixture.

(b) The potassium bromate in any bromated flour or bromated whole wheat flour used, and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the finished baked products.

(c) If such food is baked in units each of which weighs one-half pound or more after cooling, the name of such food is "_____ bread"; if in units each of which weighs less than one-half pound after cooling, "_____ rolls" or "_____ buns", the blank being filled in each instance with the names of the wheat ingredients in the order of predominance, if any, by weight of such ingredients in the mixture used in making the dough, as for example "white and whole wheat bread". For the purposes of this provision the name of the wheat ingredient specified in paragraph (a) (1) (i) is "white"; in (a) (1) (ii) is "whole wheat", "graham", or "entire wheat"; in (a) (1) (iii) is "cracked wheat"; and in (a) (1) (iv) is "crushed wheat."

Filing of Exceptions

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue, S. W., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] WATSON B. MILLER,
Administrator.

JULY 29, 1943.

[F. R. Doc. 43-12375; Filed, July 30, 1943; 3:40 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-3, Amdt. 1]

TAMIAMI TRAIL TOURS, INC., AND GREAT SOUTHERN TRUCKING COMPANY

MODIFICATION OF SERVICE COORDINATION ORDER

Upon consideration of the application for an order amending Supplementary Order ODT 3, Revised-3 (7 F.R. 9057), filed with the Office of Defense Transportation by Tamiami Trail Tours, Inc. of Tampa, Florida, and Great Southern Trucking Company of Jacksonville, Florida, and good cause appearing therefor; *It is hereby ordered*, That Supplementary Order ODT 3, Revised-3 is hereby amended by striking therefrom subparagraph (f) of paragraph 1 and subparagraph (e) of paragraph 2.

This amendment shall become effective on August 4, 1943.

Issued at Washington, D. C., this 31st day of July 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-12411; Filed, July 31, 1943; 11:16 a. m.]

[Supplementary Administrative Order ODT 1-4]

MEMBERS OF THE STAFF OF THE DIVISION OF MOTOR TRANSPORT

DELEGATION OF AUTHORITY DESIGNATED

Pursuant to § 503.2 (a) (18) of Administrative Order ODT 1, as amended (8 F.R. 6001, 7285, 7603, 9034, 9571, 9631, 9887):

1. Each Regional Manager and each District Manager, of the Division of Motor Transport, Office of Defense Transportation, within his respective region or district, is hereby authorized to execute and issue, in his discretion and subject to such terms and conditions as he may prescribe, and in the name of the Director of the Office of Defense Transportation, special permits as provided by § 501.8 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), § 501.24 of General Order ODT 6A (8 F.R. 8757), and § 501.71 of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), or as hereafter revised, reissued or amended.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Division of Motor Transport, Office of Defense Transportation.

Issued at Washington, D. C., this 2d day of August 1943.

H. C. ARNOT,
Director, Division of Motor Transport, Office of Defense Transportation.

[F. R. Doc. 43-12513; Filed, August 2, 1943; 11:26 a. m.]

[Special Order ODT R-5]

LOUISVILLE AND NASHVILLE RAILROAD CO.

ESTABLISHMENT OF PASSENGER TRAIN SERVICE BETWEEN DESIGNATED POINTS IN TENNESSEE

Pursuant to Executive Order 8989, in order to assure the orderly and expeditious movement of men to points of need, and to conserve and providently utilize transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Louisville and Nashville Railroad Company shall establish, effective August 3, 1943, and shall maintain and continue in effect until further order of the Office of Defense Transportation, three passenger train schedules daily except Sundays, in each direction, between Knoxville, Tennessee, and a point near Elza, Tennessee, for the transportation of employees engaged in the construction of a United States Government project located near Elza, Tennessee. A sufficient number of coaches shall be included in each such passenger train to provide accommodations for the transportation of employees who desire to utilize such passenger train service: *Provided, however*, That not more than 15 coaches need be included in any such train.

2. Such passenger train service shall be operated with the minimum number of railroad employees necessary to conduct such operations with safety in accordance with the operating rules of the carrier.

3. Communications concerning this order should refer to "Special Order ODT R-5" and should be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C.

Issued at Washington, D. C., this 2d day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-12514; Filed, August 2, 1943; 11:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 10 Under MPR 39]

EASTERN FABRICS CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 10 under § 1400.164 (b) (4) of Maximum Price Regulation No. 39—woven decorative fabrics. Maximum prices for the sale of certain woven decorative fabrics by Eastern Fabrics Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

(a) Eastern Fabrics Corporation, 381 Fourth Avenue, New York, New York, herein called the Applicant, may sell and deliver and any person may purchase and receive from it the following patterns of woven decorative fabrics at prices not in excess of those set forth below.

Pattern:	*Maximum prices*
45546 V	$1.95
47520	1.80
70221	3.25
70536	3.25
8001	2.50
Farfern	3.00
4045 A	1.55
2346	2.65
2243	2.35
2260	2.35
2269	2.35
1033 AS	1.55
Marion	1.85
2600	.85
2034	1.25
508	2.25

(b) In determining the maximum prices for any patterns not listed in paragraph (a), the applicant shall apply the formula established in § 1400.-163 (b) (3) of Maximum Price Regulation No. 39 and may use the appropriate pattern and the price listed in paragraph (a) as a comparable pattern and price in lieu of the pattern designated in the aforesaid section of the regulation.

(c) The provisions of Maximum Price Regulation No. 39, except as modified by paragraphs (a) and (b) above, shall apply to all sales of such woven decorative fabrics.

(d) This Order No. 10 may be revoked or amended at any time.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 10 shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12399; Filed, July 30, 1943; 4:43 p. m.]

[Order 33 Under Rev. MPR 148, Amdt. 2]

ARIZONA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to order No. 33 Under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12379; Filed, July 30, 1943; 4:41 p. m.]

[Order 36 Under Rev. MPR 148, Amdt. 2]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 36 under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

Order No. 36 under Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. The first paragraph is amended by the addition of the following counties: Coryell, McLennan, Taylor, Orange, Galveston, Jefferson and Chambers, all to follow the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the State of Texas, as set forth therein, wherever the latter may appear.

2. The second paragraph of Order No. 36 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12380; Filed, July 30, 1943; 4:41 p. m.]

[Order 37 Under Rev. MPR 148]

KEY WEST AND FLORIDA KEYS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Order No. 37, Under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

Pursuant to § 1364.23 (b) of Revised Maximum Price Regulation No. 148, I find that a critical shortage of meat has occurred in Key West and the Florida Keys because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Key West and the Florida Keys are hereby designated critical areas, and the Regional Administrator for the Fourth Region, or any district manager authorized by him, may in writing authorize sellers to charge and receive, for dressed hogs and wholesale pork cuts and processed products sold to buyers in Key West and the Florida Keys, the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller, the Regional Administrator or the District Manager, authorized by him, shall determine the actual added cost of transportation as follows. He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Key West and the Florida Keys and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Key West and the Florida Keys, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Key West and the Florida Keys.

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12403; Filed, July 30, 1943; 4:43 p. m.]

[Order 28 Under Rev. MPR 169, Amdt. 2]

ARIZONA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 28 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

The second paragraph of Order No. 28 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12400; Filed, July 30, 1943; 4:41 p. m.]

[Order 33 Under Rev. MPR 169, Amdt. 2]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 2 to Order No. 33 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Order No. 33 under Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The first paragraph is amended by the addition of the following counties: Coryell, McLennan, Taylor, Orange, Galveston, Jefferson and Chambers, all to follow the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culberson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, as set forth therein, wherever the latter may appear.

2. The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12401; Filed, July 30, 1943; 4:41 p. m.]

[Order 36 Under Rev. MPR 169]

KEY WEST AND FLORIDA KEYS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Order No. 36 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

Pursuant to § 1364.405 (b) of Revised Maximum Price Regulation No. 169, I find that a critical shortage of meat has occurred in Key West and the Florida Keys because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Key West and the Florida Keys are hereby designated as critical areas, and the Regional Administrator for the Fourth Region, or any district manager authorized by him may in writing authorize sellers to charge and receive, for beef or veal carcasses and wholesale cuts and processed products sold to buyers in Key West and the Florida Keys, the actual added cost of transportation in addition to the applicable maximum prices. Before giving such written authorization to any seller, the Regional Administrator or the District Manager, authorized by him, shall determine the actual added cost of transportation as follows: He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Key West and the Florida Keys and the costs of such transportation. To the extent that these costs exceed the difference between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Key West and the Florida Keys, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Key West and the Florida Keys.

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12402; Filed, July 30, 1943; 4:42 p. m.]

[Order 6 Under Rev. MPR 239]

KEY WEST AND FLORIDA KEYS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Order No. 6 under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

Pursuant to § 1364.155 (b) of Revised Maximum Price Regulation No. 239, I find that a critical shortage of meat has occurred in Key West and the Florida Keys because of the unavailability of customary sources of supply and because the established maximum prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply. Key West and the Florida Keys are hereby designated critical areas, and the Regional Administrator for the Fourth Region, or any district manager authorized by him may in writing authorize sellers to charge and receive, for lamb and mutton carcasses and cuts at wholesale and retail and processed products sold to buyers in Key West and the Florida Keys the actual added cost of transportation in addition to the applicable maximum price. Before giving such written authorization to any seller, the Regional Administrator or the District Manager, authorized by him, shall determine the actual added cost of transportation as follows: He shall ascertain the method of transportation which the seller proposes to use in transporting meat to Key West and the Florida Keys and the costs of such transportation. To the extent that these costs exceed the differences between the maximum f. o. b. shipping point prices at the point where the shipment originates and the maximum delivered prices in Key West and the Florida Keys, there is an actual added cost of transportation which may be charged in addition to the applicable maximum delivered price at Key West and the Florida Keys.

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This order may be revoked or amended at any time.

This order shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12398; Filed, July 30, 1943; 4:43 p. m.]

[Order 3 Under Rev. MPR 239, Amdt. 2]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 3 Under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

Order No. 3 under Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. The first paragraph is amended by the addition of the following counties: Coryell, McLemnan, Taylor, Orange, Galveston, Jefferson and Chambers, all to follow the counties of Presidio, Brewster, Reeves, Jeff Davis, Pecos, Terrell, Culverson, Loving, Winkler, El Paso, Hudspeth, Ector, Crane, Midland, Upton, Crockett, Val Verde and Ward in the state of Texas, as set forth therein, wherever the latter may appear.

2. The second paragraph of Order No. 3 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12397; Filed, July 30, 1943; 4:42 p. m.]

[Order 1 Under Rev. MPR 239, Amdt. 2]

ARIZONA

DESIGNATION AS CRITICAL MEAT SHORTAGE AREA

Amendment No. 2 to Order No. 1 Under Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

The second paragraph of Order No. 1 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including October 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12396; Filed, July 30, 1943; 4:42 p. m.]

[Order A-1 Under MPR 188, Amdt. 7]

SAND AND GRAVEL IN SHELBY, TENN.

MODIFICATION OF MAXIMUM PRICES

Amendment No. 7 to Order No. A-1 Under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying Amendment No. 7 to Order No. A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A-1 is amended by adding a new paragraph (a) (8) to read as follows:

(8) *Modification of maximum prices of sand and gravel.* (i) The maximum prices for washed sand and gravel produced in Shelby County, Tennnessee, when sold by producers shall be as follows:

Description of commodity	Size	Maximum price per ton of 2,000 # f. o. b. plant
Sand (all grades)		$0.70
Torpedo gravel	⅜" down	.70
Concrete gravel (sand and gravel mixed).		1.40
Washed and screened gravel	1½" to ⅜"	1.40

(ii) The maximum prices for washed sand and gravel produced in Shelby County, Tennessee, when sold by dealers f. o. b. producer's plant shall be as follows:

Description of commodity	Size	Maximum price per ton of 2,000 #
Sand (all grades)		$0.80
Torpedo gravel	⅜" down	.80
Concrete gravel (sand and gravel mixed).		1.50
Washed and screened gravel	1½" to ⅜"	1.50

(iii) The maximum prices for washed sand and gravel produced in Shelby County, Tennessee, when sold by dealers delivered to job site by truck within the city limits of Memphis, shall be as follows:

Description of commodity	Size	Maximum prices[1] per ton of 2,000 #
Sand (all grades)		$1.40
Torpedo gravel	⅜" down	1.40
Concrete gravel (sand and gravel mixed).		2.20
Washed and screened gravel	1½" to ⅜"	2.20

[1] Plus 5¢ extra per ton for each ½ mile beyond city limits.
Terms—2% 30 days.

This amendment shall become effective July 31, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12378; Filed, July 30, 1943; 4:40 p. m.]

[Order 19 Under RPS 41]

PRODUCERS OF RAILROAD EQUIPMENT

ORDER GRANTING ADJUSTMENT

Order No. 19 Under Revised Price Schedule 41—Steel Castings.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 and in accordance with § 1306.102 of Revised Price Schedule No. 41 and Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustable pricing on railroad locomotive and tender steel castings and railroad specialties. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41, producers of railroad locomotive and tender steel castings may, on and after June 10, 1943, deliver or agree to deliver railroad locomotive and tender steel castings at prices to be adjusted upward in accordance with action, if any, which is taken by the Office of Price Administration after delivery and prior to September 15, 1943.

(b) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41 producers of railroad specialties may, on and after the effective date of this order, deliver or agree to deliver railroad specialties at prices to be adjusted upward in accordance with action, if any, which is taken by the Office of Price Administration after delivery and prior to September 15, 1943.

(c) Persons may buy and receive locomotive and tender steel castings from producers thereof as set forth in paragraph (a) above and persons may buy and receive railroad specialties from producers thereof as set forth in paragraph (b) above.

(d) The excess amount of any charge collected over and above whatever action is taken by the Office of Price Administration shall be refunded to the purchaser before October 15, 1943.

(e) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 19 shall be effective July 31, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12414; Filed, July 31, 1943; 11:14 a. m.]

[Order 1 Under Rev. MPR 219]

PRODUCERS OF NORTHEASTERN SOFTWOOD LUMBER

ORDER GRANTING ADJUSTMENT

Petition has been filed for amendment of Revised Maximum Price Regulation No. 219, Northeastern Softwood Lumber, with respect to Square-edge White Pine Lumber; Round-edge White Pine Lumber; Eastern Spruce, Norway Pine, and Jack Pine Lumber; New England and imported Eastern Hemlock Lumber; Eastern Hemlock Lumber produced in New York and Pennsylvania; Eastern Spruce Lath and White Cedar Shingles. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of Northeastern softwood lumber and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Orders No. 9250 and No. 9328 and in accordance with section 17 of Revised Maximum Price Regulation No. 219: *It is ordered:*

(a) Producers subject to Revised Maximum Price Regulation No. 219 may sell and deliver and any person may buy and receive such Northeastern softwood lumber at prices adjustable to those established by the Office of Price Administration.

(b) Any charges made or collected in excess of the price established must be refunded within 30 days from the effective date of the establishment of such price. If the establishment of such price is denied, any charges made or collected in excess of the present ceiling price

must be refunded within 30 days from the date of denial.

(c) This order shall be automatically revoked upon the establishment or denial of such price.

This order shall become effective August 2, 1943.

Issued this 31st day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12415; Filed, July 31, 1943; 11:14 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 29, 1943.

Order No.:	*Name*
MPR 114, Order 4, Correction.	Rayonier, Incorp.
MPR 120, Revised Order 152.	Brookwood Coal Co.
MPR 120, Order 226	Charles Pattison.
MPR 121, Order 14, Amendment 1.	Lehigh Briquetting Co.
MPR 122, Order 47, Amendment 2.	Washington area—Alexandria, Va.
MPR 188, Order 4 under A-2.	Elliston Line Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12417; Filed, July 31, 1943; 11:16 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 30, 1943.

Order No.	*Name*
MPR 39, Order 10	Eastern Fabrics Corp.
MPR 121, Order 19	Hawthorne Coal Corp.
MPR 208, Order 6	I. C. Isaacs
MPR 426, Order 4, Amendment 1.	Papec Machine Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN A. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12418; Filed, July 31, 1943; 11:16 a. m.]

Regional, State and District Office Orders.

[Region II Order G-8, Under Rev. MPR 122]

PENNSYLVANIA ANTHRACITE IN BURLINGTON, CAMDEN, AND GLOUCESTER COUNTIES, N. J.

Order No. G-8 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Pennsylvania anthracite delivered by dealers in Burlington County, Camden County, and Gloucester County, State of New Jersey—Coal Area I.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) *What this order does*—(1) *Dealers' maximum prices: area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in the zones comprising State of New Jersey—Coal Area I. That area consists of four zones, as follows:

Zone 1. Zone 1 includes the following portions of the State of New Jersey: All of Camden County north of Evesham Road; the City of Beverly, the Boroughs of Medford Lakes, Palmyra, Riverton, and the Townships of Cinnaminson, Chester, Mount Laurel, Evesham, Medford, Moorestown, Delran, Riverside, Delanco, Edgewater Park, Willingboro in Burlington County; the City of Woodbury, the Boroughs of Westville, Woodbury Heights, Wenonah, Paulsboro, and the Townships of West Deptford, Deptford, Greenwich and East Greenwich in Gloucester County.

Zone 2. Zone 2 includes the following portions of the State of New Jersey: The City of Bordentown, the Borough of Fieldsboro and the Townships of Bordentown and Chesterfield in Burlington County.

Zone 3. Zone 3 includes the following portions of the State of New Jersey: The City of Burlington, the Boroughs of Pemberton and Wrightstown and the Townships of Florence, Mansfield, Burlington, Westampton, Hainesport, Lumberton, Mount Holly, Southampton, Eastampton, Pemberton, Springfield, North Hanover, and New Hanover in Burlington County.

Zone 4. Zone 4 includes the following portions of the State of New Jersey: All of Camden County and all of Gloucester County not included in Zone 1, and all of Burlington County not included in Zones 1, 2 and 3. Geographically, Zone 4 covers all of Camden County south of Evesham Road; the Boroughs of Swedesboro, Pitman, Glassboro, Clayton, Newfield, National Park, and the Townships of Logan, Woolwich, South Harrison, Harrison, Mantua, Washington, Monroe, Elk, and Franklin in Gloucester County; and the Townships of Shamong, Tabernacle, Woodland, Bass River and Washington in Burlington County.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Zones 1, 2, 3 and 4 are set forth in Schedules I, II, III and IV, respectively.

(3) *To what sales this order applies.* If you are a dealer in anthracite you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Zones 1, 2, 3 and 4.

You shall determine the maximum price for "Direct-Delivery" sales, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone to which delivery is made, whether or not you are located in one of the four zones.

You shall determine your maximum price for a "yard" sale, as hereinafter defined, by reference to the appropriate Schedule of this order covering the zone in which the purchaser takes physical possession or custody of the anthracite.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not—(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the Schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by—

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the Schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) *Use the schedule which covers your sale.* (Schedule I applies to sales on a "Direct-Delivery" Basis, "Yard Sales", and "Sales in 18 lb. Paper Bags" within Zone 1. You will find Schedule I in paragraph (d). In like manner, Schedules II, III and IV apply to similar sales in Zones 2, 3 and 4, respectively. You will find Schedule II in paragraph (e), Schedule III in paragraph (f) and Schedule IV in paragraph (g).)

(2) *For "direct-delivery" sales in each zone.* (i) Take the dollars-and-cents figure set forth in paragraph (1) (i) of the applicable Schedule, for the sizes and quantity you are selling.

(ii) Deduct from that figure the amount of the discount which you are required to give, as specified in paragraph (1) (ii) of each Schedule.

(iii) If, at your purchasers' request, you actually render him a service for which this order authorizes a charge, you may add to the figure derived from the preceding sub-paragraphs no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those pro-

vided for in paragraph (1) (iii) of each Schedule.

(iv) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable Schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(v) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable Schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(3) *For "yard sales" in each zone.* (i) Take the dollars-and-cents figure set forth in paragraph (2) (i) of the applicable schedule, for the sizes and quantity you are selling, and deduct from that figure the amount of the discount which you are required to give, as specified in paragraph (2) (ii) of each schedule. You shall not impose any charges in connection with such sales.

(ii) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable Schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarter of a ton.

(4) *For "Sales in 18 lb. paper bags" in each zone.* (i) The dollars-and-cents figure set forth in paragraph (3) of the applicable Schedule for the size of anthracite and type of sale there specified, shall be the maximum zone price. You shall not impose any charges, and you are required to give no discounts, in connection with such sales.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 1.

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
Broken, egg, stove, nut	$13.05	$7.05	$0.80
Pea	11.50	6.25	.70
Buckwheat	9.95	5.50	.60
Rice	9.20	5.10	
Barley	7.85	3.95	
Screenings	3.45	1.75	

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (d) (1) (i), on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(*b*) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	(*Cents per net ton*)
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of ½ ton or more	Per 100 lbs., for 100 lbs. or more but less than ½ ton	Per 50 lb. paper bag
Broken, egg, stove, nut	$11.55	$0.75	$0.40
Pea	10.00	.65	.35
Buckwheat	8.45	.55	
Rice	7.70	.50	
Barley	6.35		
Screenings	1.70		

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag).*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale, "yard sale" or "sale in 18-lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(e) *Schedule II.* Schedule II establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 2.

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton)
Broken, egg, stove, nut	$13.05	$7.05	$0.80
Pea	11.75	6.40	.70
Buckwheat	9.95	5.50	.60
Rice	8.45	4.75	
Screenings	3.45	1.75	

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (e) (1) (i), on sales and deliveries of all sizes except screenings, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(*b*) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumer purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point. You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	Cents per net ton
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton	Per 50 lb. paper bag
Broken, egg, stove, nut	$12.05	$0.70	$0.40
Pea	10.75	.60	.35
Buckwheat	8.95	.50	----
Rice	7.45	----	----
Screenings	1.70	----	----

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag)*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale, "yard sale" or "sale in 18 lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(f) *Schedule III.* Schedule III establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within *Zone 3.*

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)
Broken, egg, stove, nut	$12.55	$6.80	$0.80
Pea	11.25	6.15	.70
Buckwheat	9.45	5.25	.60
Rice	7.95	4.50	----
Screenings	3.45	1.75	----

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (f) (1) (i), on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this sub-paragraph requires you to sell on other than a cash basis.

(b) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	(Cents per net ton)
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)	Per 50-lb. paper bag
Broken egg, stove, nut	$11.55	$0.75	$0.40
Pea	10.25	.65	.35
Buckwheat	8.45	.55	----
Rice	6.95	.50	----
Screenings	1.70	----	----

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sale and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag)*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "Direct-Delivery" sale, "Yard Sale", or "Sale in 18 lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(g) *Schedule IV.* Schedule IV establishes specific maximum prices for certain sizes of anthracite, in certain specific quantities, delivered to or at any point within Zone 4.

(1) *Sales on a "direct-delivery" basis.* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton	Per net ½ ton	For 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton)
Broken, egg, stove, nut	$13.30	$7.15	$0.80
Pea	11.75	6.40	.70
Buckwheat	9.95	5.50	.60
Rice	8.70	4.85	----
Screenings	3.45	1.75	----

(ii) *Required discounts.* (a) You shall deduct from the prices set forth in paragraph (g) (1) (i), on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(b) In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether

there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point. You must deduct this discount at or before the delivery of the 50th ton, and continue to grant the discount on every subsequent delivery during the same twelve-month period.

(iii) *Maximum authorized service charges.*

	Cents per net ton
Special service rendered at the request of the purchaser:	
"Carry" or "wheel" (except for sales amounting to less than ½ ton)	$0.50
Carrying upstairs, for each floor above the ground floor (except for sales amounting to less than ½ ton). This charge shall be in addition to any charge for "carry" or "wheel"	.50

(2) *"Yard sales."* (i) For sales of anthracite of the sizes and in the quantities specified:

Size	Per net ton, for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton	Per 50 lb. paper bag
Broken, egg, stove, nut	$11.80	$0.75	$0.40
Pea	10.25	.65	.35
Buckwheat	8.45	.55	------
Rice	7.20	.50	------
Screenings	1.70	------	------

(ii) *Required discounts.* You shall deduct from the prices set forth in paragraph (d) (2) (i), on sales and deliveries of all sizes except screenings in quantities of ½ ton or more, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(3) *"Sales in 18 lb. paper bags"—(Maximum prices per bag)*

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.12	$0.14	$0.16
Pea	.10	.12	.14

(4) *Commingling.* If you sell one size of anthracite, commingled with another size of anthracite, your maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "direct-delivery" sale, "yard sale" or "sale in 18 lb. paper bags", except in the following situation. Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, the dealer may commingle those sizes in the truck or other vehicle in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(h) *Ex Parte 148—freight rate increase.* Since the ex parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by Section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. Sections 15 and 16 provide, in brief, that a license is required of all persons selling at retail commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(p) *Posting of maximum prices: sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Camden District Office of the Office of Price Administration.

(r) *Definitions and explanations.* When used in this Order No. G–8, the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and delivery, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the Schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(5) The sizes of "Pennsylvania anthracite" described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to the same sizes of anthracite as were sold and delivered in the State of New Jersey—Coal Area 1 with such designation during December 1941.

(6) "Coal Area 1" includes the following portions of the State of New Jersey: Burlington County, Camden County and Gloucester County.

(7) "Direct delivery", except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(8) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery".

(9) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(10) "Delivered at dealer's yard" as applied to sales of bagged coal in 18 lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(11) "Delivered to retail stores" as applied to sales of bagged coal in 18 lb. paper bags, means deposit in that part of the store designated by the purchaser.

(12) "Sales to ultimate consumer" as applied to bagged coal in 18 lb. paper bags, means sales by dealers, other than sales at a dealer's yard whether or not delivered to the consumer's premises.

(s) *Effect of order on Revised Maximum Price Regulation No. 122.* This order shall supersede Revised Maximum Price Regulation No. 122, except as to any sales or deliveries of solid fuels not specifically subject to this order.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This order shall become effective August 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of July 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-12339; Filed, July 29, 1943; 4:54 p. m.]

[Region VI Order G-1 Under SR 15 to GMPR]

FLUID MILK IN CHAMBERLAIN, S. DAK.

Order No. G-1 under § 1499.75 (a) (2) of Supplementary Regulation No. 15 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Chamberlain, South Dakota. (Formerly Order No. 12.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Chamberlain, South Dakota, depends for its supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and sub-paragraph (2) (ii) of § 1499.75 (a) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; *It is ordered:*

1. Subject to the limitations in paragraph 3 hereof the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	Half Pint
Wholesale (cents)	4.0	1.0	0.5	0.25
Retail (cents)	4.0	1.0	.5	.25

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No seller at retail purchasing milk from a distributor at wholesale shall sell milk at the increased prices provided by paragraph 1 hereof until and unless he shall have purchased or contracted to purchase milk at an increased price.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish each such purchaser of milk with a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	
Quart	
Pint	

5. This order shall apply to sales and deliveries within the city of Chamberlain, South Dakota and within an area of one mile from the city limits thereof. It shall also apply to sales and deliveries to the Crow Creek Indian Agency at Fort Thompson, South Dakota.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall file with the South Dakota State Office of the Office of Price Administration a statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities required by section 13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

9. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price & Rationing Board, and insofar as practicable the information contained herein shall be made available to the press serving Chamberlain, South Dakota.

10. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 14, 1942.

[F. R. Doc. 43-12331; Filed, July 29, 1943; 4:55 p. m.]

[Region VI Order G-1 Under SR 15, to GMPR, Amdt. 1]

FLUID MILK IN CHAMBERLAIN, S. DAK.

Amendment No. 1 to Order G-1 under Supplementary Regulation No. 15 to the General Maximum Price Regulation. (Previously known as Regional Order No. 12 under Supplementary Regulation No. 15).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered,* That Order G-1 under § 1499.75 of the General Maximum Price Regulation (previously known as Re-

gional Order No. 12 under Supplementary Regulation No. 15) be amended by deleting paragraph 7 thereof.

This amendment shall become effective April 26, 1943.

Issued this 21st day of April, 1943.

(Pub. Laws 421 and 279, 77th Cong.; E.O. 9250, 7 F.R. 7871)

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12332; Filed, July 29, 1943; 4:54 p. m.]

[Region VI Order G-7 Under SR 14 to GMPR]

FLUID MILK IN POCAHONTAS, IOWA

Order No. G-7 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Pocahontas, Iowa. (Formerly Order No. 7).

The Regional Administrator has determined on his own motion after investigation that (1) the use of March 1942 as the base period for the establishment of maximum prices for fluid milk in Pocahontas, Iowa, a city of less than 100,000 population, has established an abnormal differential between the prices charged for fluid milk in Pocahontas, Iowa and adjoining cities of approximately the same population; (2) this abnormal differential threatens to cause a diversion of a material portion of the normal milk supply of Pocahontas, Iowa, from Pocahontas to other adjoining cities; and (3) as a result of such threatened diversion, a shortage of fluid milk in Pocahontas, Iowa exists or is imminent.

Accordingly, for the reasons more fully set forth in the accompanying opinion, and pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 of the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

	Quart	Pint	Half pint
Wholesale (cents)	2.0	1.0	0.50
Retail (cents)	2.0	1.0	None

2. The foregoing order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city limits of Pocahontas, Iowa and at the H. G. Gibson Grocery and the Coyle Grocery at Havelock, Iowa and at the Tuttle Grocery at Ware, Iowa.

3. Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser a statement substantially in the following form:

The prices for milk have been increased by two cents a quart and one cent a pint by permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

4. For the purposes of this order, the sale of milk at retail shall refer to any sale of fluid milk to an ultimate consumer of such milk other than an industrial or commercial user. A sale at wholesale shall refer to any sale of fluid milk in bottles or paper containers, whether by a producer, pasteurizer or other person, to any person, including a commercial and industrial user, other than an ultimate consumer.

5. Milk shall mean cow's milk produced, processed, distributed, and sold for consumption in fluid milk form.

6. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that the prevailing prices for fluid milk in cities adjoining Pocahontas, Iowa shall be decreased or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

7. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Pocahontas, Iowa, and within a distance of one mile from the city limits thereof.

JOHN C. WEIGEL,
Regional Administrator.

NOVEMBER 3, 1942.

[F. R. Doc. 43-12333; Filed, July 29, 1943; 4:58 p. m.]

[Region VI Order G-7 Under SR 14 to GMPR, Amdt. 1]

FLUID MILK IN POCAHONTAS, IOWA

Amendment No. 1 to Order No. G-7 (formerly Order No. 7) under Supplementary Regulation No. 14 to the General Maximum Price Regulation.

It is ordered that Order No. 7 under § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14, issued on November 3, 1942, be amended by deleting paragraph 7 thereof.

Issued this 12th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12334; Filed, July 29, 1943; 4:58 p. m.]

FLUID MILK IN HOT SPRINGS, S. DAK.

[Region VI Order G-8 Under SR 14 to GMPR]

Order No. G-8 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Hot Springs, South Dakota. (Formerly Order No. 8.)

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Hot Springs, South Dakota, depends for its supply for fluid milk has increased 23 cents or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to Emergency Price Control Act of 1942, § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph two hereof, the maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Quart	Pint	Half pint
Wholesale	$0.01	$0.005	$0.0025
Retail	.01	.005	None

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 41¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the South Dakota State Office of the Office of Price Administration, or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish to each such purchaser

of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Quart	
Pint	

5. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city limits of Hot Springs, South Dakota, and within a distance of five miles from the city limits thereof and also within the limits of the Provo Ordnance Depot, Provo, South Dakota, as defined by the United States Army.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form. Sales at wholesale or retail shall include all sales whether by producer, distributor, or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase directly from the producers thereof shall in addition to the statement provided for in section 2 (a) above, file with the South Dakota State Office of the Office of Price Administration a statement on the 10th day of each month beginning with December 1942 of the prices paid by them to producers of milk for milk purchased during the preceding month.

8. Every person selling milk at retail shall prepare and preserve a statement for examination as required by § 1499.11 (b) of the General Maximum Price Regulation, showing its adjusted prices for the sale of fluid milk in accordance with the permission granted hereby.

9. Every seller of milk at retail shall make the necessary changes in its posting of maximum prices for cost-of-living commodities, required by § 1499.13 of the General Maximum Price Regulation, to reflect the increase in maximum prices for fluid milk in accordance with the permission granted hereby.

10. A copy of this order shall be sent to all known distributors of fluid milk and to the appropriate War Price and Rationing Board, and insofar as practicable the information contained herein shall be made available to the press serving Hot Springs, South Dakota.

11. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43–12335; Filed, July 29, 1943; 4:57 p. m.]

[Region VI Order G–9 Under SR 14 to GMPR]

FLUID MILK IN HUDSON, S. DAK.

Order No. G–9 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of fluid milk prices in Hudson, South Dakota. (Formerly Order No. 9.)

The Regional Administrator has determined on his own motion after investigation that (1) the use of March as the base period for the establishment of maximum prices for fluid milk in Hudson, South Dakota, a city of less than 100,000 population, has established an abnormal differential between the prices charged for fluid milk in Hudson and adjoining cities of approximately the same population; (2) that this abnormal differential threatens to cause a diversion of a material portion of the normal milk supply of Hudson, South Dakota, from Hudson to other adjoining cities; and, (3) as the result of such diversion and threatened diversion, a shortage of fluid milk in Hudson exists and a further shortage is imminent.

Accordingly, for the reasons more fully set forth in the accompanying opinion, and pursuant to the Emergency Price Control Act of 1942 and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby established as follows:

	Wholesale	Retail
	Cents	*Cents*
Gallon	32	40
Quart	8	10
Pint	4	5

2. For the purposes of this order, the sale of milk at retail shall refer to any sale of fluid milk to an ultimate consumer of such milk other than an industrial or commercial user. A sale at wholesale shall refer to any sale of fluid milk in bottles or paper containers, whether by a producer, pasteurizer or other person, to any person, including a commercial and industrial user, other than an ultimate consumer.

3. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

4. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that the prevailing prices for fluid milk in cities adjoining Hudson shall have decreased, or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

5. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Hudson, South Dakota, and within a distance of one mile from the city limits thereof.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43–12336; Filed, July 29, 1943; 4:57 p. m.]

[Region VI Order G–10 Under SR 14 to GMPR]

FLUID MILK IN MACOMB, ILL.

Order No. G–10 under Supplementary Regulation No. 14 of the General Maximum Price Regulation. Adjustment of fluid milk prices in Macomb, Illinois. (Formerly Order no. 10).

The Regional Administrator has determined on his own motion after investigation that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Macomb, Illinois depends for its supply of fluid milk has increased 23¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23¢ more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to the Emergency Price Control Act of 1942, and § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is ordered:*

1. Subject to the limitations in paragraph 2 hereof the maximum price established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are herein increased as follows:

	Gallon	Quart	Pint	Half pint
Wholesale (cents)	2.0	0.5	0.25	0.125
Retail (cents)	2.0	.5	.25	.125

2. Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each sale. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13¢ for one unit, 25¢ for two units, etc.

3. No distributor shall sell or deliver any milk at the increased prices provided for under section 1 hereof until and unless the following requirements have been met:

(a) With respect to a distributor who buys directly from a producer, until and unless he shall have purchased or contracted to purchase fluid milk from a producer at a price of 23¢ or more per cwt. in excess of the highest price paid in March 1942, and shall have reported such fact to the Illinois State Office of the Office of Price Administration or a duly authorized representative thereof.

(b) With respect to a seller at retail purchasing milk from a distributor at wholesale until and unless he shall have purchased or contracted to purchase milk at a price increase. In no event shall the maximum price of such a seller at retail be increased by more than the highest increase in cost to himself.

4. Every person selling milk in bottles or paper containers at the increased prices herein permitted to a seller at retail shall furnish to each such purchaser of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

	Price increase
Gallon	
Quart	
Pint	

5. This order shall apply to all sales and deliveries of fluid milk at wholesale and retail within the city of Macomb, Illinois and within a distance of one mile from the city limits thereof.

6. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producers, distributor or other person of milk in bottles or paper containers.

7. All sellers of milk who purchase milk directly from the producers thereof shall in addition to the statement provided for in section 2 (a) above, file with the Illinois State Office of the Office of Price Administration a statement on the 10th day of each month beginning with December 1942 of the prices paid by them to producers of milk for all milk purchased during the preceding month.

8. This order shall be effective from the date hereof. It is subject to revocation or amendment by the Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This Order is further subject to revocation by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued as to any Price Regulation the provisions of which may be contrary hereto.

Issued this 3d day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

JOHN C. WEIGEL,
Regional Administrator.

[F. R. Doc. 43-12337; Filed, July 29, 1943; 4:56 p. m.]

[Region VI Order G-11 Under SR 14 to GMPR, Amdt. 2]

FLUID MILK IN MT. VERNON, ILL.

Amendment No. 2 to Order G-11 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. (Previously known as Regional Order No. 11 under Amendment 34 to Supplementary Regulation 14.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered* That Order G-11 under § 1499.73 of the General Maximum Price Regulation (previously known as Regional Order No. 11 under Amendment 34 to Supplementary Regulation 14) be amended by deleting from said order paragraph 5 thereof.

This amendment shall become effective April 26, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12338; Filed, July 29, 1943; 4:56 p. m.]

[Region VIII Order G-1 Under MPR 136, as Amended]

G. ANDERSON SAW GAUGE MANUFACTURING COMPANY, SEATTLE, WASHINGTON

Order No. G-1 under Maximum Price Regulation No. 136 as amended—Machines and Parts and Machinery Services.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1390.25 (a) as amended of Maximum Price Regulation No. 136 as amended, *It is hereby ordered:*

(a) The adjusted maximum prices at which any person may sell and deliver saw gauges and saw sets manufactured by the G. Anderson Saw Gauge Manufacturing Company, Seattle, Washington, shall be:

No. 1 Raker swage	$2.00
No. 2R Raker swage with 2 micrometer checking screws	4.00
No. 2L Raker swage with 2 micrometer checking screws	4.00
No. 3 Raker sharpening gauge	2.00
No. 4 Raker sharpening gauge	2.50
No. 5A Saw set	6.50
No. 9 Raker sharpening micrometer gauge with only 1 checking screw	4.00
No. 9 Raker sharpening micrometer gauge with 2 checking screws	4.50

(b) All discounts from list prices or other allowances for quantity purchases, prompt payment, or otherwise, in effect on March 31, 1942, must be continued in effect in respect to the prices listed in paragraph (a).

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12362; Filed, July 30, 1943; 11:53 a. m.]

[Region VIII Order G-3 Under 18 (c) of GMPR, Amdt. 18]

FLUID MILK IN WASHINGTON

Amendment No. 18 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by adding at the end thereof the following:

THE CITIES OF WALLA WALLA, DIXIE AND TOUCHET

[Not less than 3.8% milk fat]

Quantity	Wholesale price	Retail price
Gallon container	$0.40	$0.45
Half-gallon container	.21	.24
Quart container	.11	.13
Half-pint container	.0325	

(b) Section 5 (d) is amended to read as follows: The name of any city includes the area within the radius hereinafter specified from the corporate limits of the city:

(a) Spokane—15 miles.
(b) Pasco—10 miles.
(c) Kennewick—10 miles.
(d) Everett—10 miles excluding any part of Whidby or Camaino Islands.
(e) Walla Walla—5 miles.
(f) Any other city—3 miles.

This amendment to Order No. G-3 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12364; Filed, July 30, 1943; 11:57 a. m.]

[Region VIII Order G-3 Under 18 (c) of GMPR, Amdt. 19]

FLUID MILK IN WASHINGTON

Amendment No. 19 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation

(formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended). Fluid milk prices at wholesale and retail in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G–3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Section (1) as amended is hereby further amended by striking out the heading "The Cities of Dayton and Waitsburg" and the schedule of prices thereunder and by substituting therefor the following:

THE CITIES OF DAYTON AND WAITSBURG

[Not less than 4% milk fat]

Quantity	Wholesale price	Retail store carry-out price	Retail home delivered
Gallon container	$0.40	$0.45	$0.45
Half-gallon container	.21	.24	.24
Quart container	.11	.13	.13
Pint container	.055	.07	.07
Half-pint container	.0325		

This amendment to Order No. G–3 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43–12363; Filed, July 30, 1943; 11:52 a. m.]

[Region VIII of G–4 Under MPR 165]

PACKING, DRYING, AND DEHYDRATING FRUITS IN CERTAIN PARTS OF SAN FRANCISCO REGION

Order No. G–4 under Maximum Price Regulation No. 165, as amended—*Services.*

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended, *It is hereby ordered:*

(a) The adjusted maximum price for the service or services of packing, drying and dehydrating fruits (except citrus fruit and except apples and pears grown in the states of Washington and Oregon) vegetables, or rice, including related services, but not including canning, sold and supplied by any person located in Region VIII, shall be the sum of the following:

(1) The highest price charged by the seller for the particular service or services during the 1941–1942 season.

(2) The increase in direct labor costs and direct material costs in rendering the service or services during the current season over such costs during the 1941–1942 season.

(3) The increase in incidental and overhead costs over the incidental and overhead costs allocated to the same unit of service during the 1941–1942 season using the same method of charging and allocating such costs as was used during the 1941–1942 season: *Provided, however,* That this item shall not include any increase in the total amount of executives' salaries or bonuses charged to the particular service.

(b) Any seller whose records, prior to the date of this Order, have been lost or destroyed, and who as a consequence cannot determine the increase in costs mentioned in paragraph (a) above, shall determine his adjusted maximum price by adding to the highest price charged by him, during the 1941–1942 season for the particular service, the same increased costs added by his closest competitor of the same class who has determined an adjusted maximum price under Paragraph (a) above for the same service.

(c) The adjusted maximum price for a service which was not performed by a particular seller during the 1941–1942 season shall be the adjusted maximum price established under paragraph (a) or (b) above, for the same service by his most closely competitive seller of the same class.

(d) A seller may estimate his adjusted maximum price upon the above basis and announce at the start of the particular season a tentative "retain", or charge; but no payment shall be made or received in excess of the adjusted maximum price established by paragraphs (a), (b) or (c) above.

(e) Any seller taking advantage of the provisions of this order shall, within 30 days after the close of the particular season, prepare a signed statement, and keep it available for inspection by the Office of Price Administration at any time, showing the following:

(1) A description of the particular service:

(2) The highest price charged during the 1941–1942 season by the seller;

(3) The seller's adjusted maximum price determined under the provisions of this order;

(4) The increase in direct labor, direct material costs, and incidental and overhead costs, in rendering the service during the current season, over such costs during the 1941–1942 season: *Provided, however,* That if the seller has determined his adjusted maximum price under paragraphs (b) or (c) above he shall set forth the name and address of his closest competitor of the same class and in addition, if paragraph (b) above is used, the competitor's increase in costs over the 1941–1942 season in rendering the particular service.

(f) *Definitions.* (1) "Direct material costs" as herein used means costs of materials, not to exceed the applicable maximum prices, used directly in performing the service, and does not include, for instance, cost of plant improvements or repairs.

(2) "Direct labor costs" as herein used means wages paid employees performing services directly in the matter of the packing, drying, dehydrating and related services, and does not include, for instance, salaries of executives, office employees or employees engaged in plant repair and maintenance. The portion of any wage paid in excess of that permitted by existing law shall not be used in the calculation.

(3) "Incidental and overhead costs" as herein used, means indirect costs such as drayage, insurance, rent, power, administration and similar items of expense, but does not include any element of profit, dividends or other proprietary gain.

(4) "1941–1942 season" as herein used means any period during the year beginning April 1, 1941, and ending March 31, 1942.

(5) "Region VIII" as herein used means the states of California, Washington, Nevada, Oregon, except Malheur and Harney Counties, and Arizona, except those portions of Coconino County and Mohave County lying North of the Colorado River; and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective June 30th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43–12365; Filed, July 30, 1943; 11:53 a. m.]

[Region VIII Order G–8 Under MPR 329]

FLUID MILK IN WALLA WALLA, WASH.

Order No. G–8 Under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk. For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 of Maximum Price Regulation No. 329, *it is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in the city of Walla Walla in the state of Washington may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.50 per pound milk fat plus $1.25 per hundredweight of skim.

(2) For purchases of milk from producers f. o. b. producer's dairy the adjusted maximum price shall be the price specified in sub-division (1) of this paragraph (a), minus an allowance for transporting the milk purchased from

the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in January, 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $.16 per hundred pounds of milk.

(b) *Definitions.* (1) The term "city of Walla Walla" shall include the territory within a radius of three miles from the corporate limits of said city.

(2) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

(d) This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June, 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12366; Filed, July 30, 1943; 11:57 a. m.]

[Region VIII Order G-8 Under MPR 329, Amdt. 1]

FLUID MILK IN WALLA WALLA, WASH.

Amendment No. 1 to Order No. G-8 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 of Maximum Price Regulation No. 329, *It is hereby ordered,* That Order No. G-8 under Maximum Price Regulation No. 329 be amended as follows:

(a) Paragraph (b) (1) is hereby amended to read as follows:

(1) The term "city of Walla Walla" shall include the territory within a radius of ten miles from the corporate limits of said city.

This amendment to Order No. G-8 shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of July, 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12367; Filed, July 30, 1943; 11:52 a. m.]

[Region VIII Order G-9 Under MPR 329]

FLUID MILK IN MENDOCINO COUNTY, CALIF.

Order No. G-9 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under §1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in Mendocino County in the state of California may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.91 per pound milk fat where milk is purchased on a milk fat basis or $.32 per gallon where milk is purchased on a gallon basis.

(2) For purchases of milk from producers f. o. b. producer's dairy the adjusted maximum price shall be the price specified in sub-division (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in January 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $.035 per pound milk fat where milk is purchased on a milk fat basis and $.015 per gallon where milk is purchased on a gallon basis.

(b) *Definitions.* (1) All terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

(d) This order shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12368; Filed, July 30, 1943; 11:56 a. m.]

[Region VIII Order G-10 Under MPR 329]

FLUID MILK IN DAYTON AND WAITSBURG, WASH.

Order No. G-10 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in the cities of Dayton and Waitsburg in the state of Washington may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.50 per pound milk fat plus $1.25 per hundred weight of skim.

(2) For purchases of milk from producers f. o. b. producer's dairy the adjusted maximum price shall be the price specified in subdivision (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's business location computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in January, 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing subdivisions, the transportation allowance shall not be less than $.16 per hundred pounds of milk.

(b) *Definitions.* (1) The term "cities of Dayton and Waitsburg" shall include the territory within a radius of three miles from the corporate limits of said cities.

(2) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12369; Filed, July 30, 1943; 11:56 a. m.]

[Region VIII Order G-11 Under MPR 329]

FLUID MILK IN MODOC COUNTY, CALIF.

Order No. G-11 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The adjusted maximum price at which any person whose place of business is located in Modoc County in the State of California may purchase milk from producers shall be as follows:

(1) For purchases of milk from producers f. o. b. the business location of the buyer, the adjusted maximum price shall be $.82 per pound milk fat where milk is purchased on a milk fat basis or $.29 per gallon where milk is purchased on a gallon basis.

(2) For purchases of milk from producers f. o. b. producer's ranch, the adjusted maximum price shall be $.79 per pound milk fat where milk is purchased on a milk fat basis or $.26 per gallon where milk is purchased on a gallon basis.

(b) *Definitions.* (1) All terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329 unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of June 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-12370; Filed, July 30, 1943; 11:52 a. m.]

[Region VIII Order G12 Under MPR 329]

FLUID MILK IN OREGON AND WASHINGTON

Order No. G-12 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale as Fluid Milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price at which any person whose place of business is located in any of the localities enumerated below may purchase milk from a producer for resale as fluid milk except as provided in paragraph (b) below shall be as follows:

(1) For purchases of milk from producers delivered to the purchaser's plant, the adjusted maximum price shall be as follows:

Locality	*Maximum price per pound butterfat*
In the State of Oregon:	
Benton County	$0.85
Clackamas County	.85
Clatsop County	.85
Columbia County	.85
Coos County	.80
Crook County	.85
Curry County	.80
Deschutes County	.85
Douglas County	.85
Hood River County	.85
Jackson County	.85
Jefferson County	.85
Josephine County	.85
Klamath County	.85
Lake County	.85
That portion of Lane County East of the Coast Range	.85
That portion of Lane County West of the Coast Range	.80
Lincoln County	.80
Linn County	.85
Marion County—Except the city of Salem	.85
City of Salem	.87
Multnomah County—Except the city of Portland	.85
City of Portland	.95
Polk County	.85
Tillamook County	.88
Union County—Except the city of La Grande	.75
City of La Grande	.80
Umatilla County—Except the city of Pendleton	.80
City of Pendleton	.85
Wasco County	.85
Washington County	.85
Yamhill County	.85
In the State of Washington:	
Wahkiakum County	.80
Cowlitz County	.80
Klickitat County	.80
Skamania County	.80
Clark County—Except the City of Vancouver	.80
City of Vancouver	.94

(2) For purchases of milk f. o. b. the producer's dairy the maximum price shall be the price specified in sub-division (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the producer's dairy to the purchaser's business location, computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the purchaser, the transportation allowance shall not be less than the amount which the purchaser allowed to the same producer in June, 1943.

(iii) If the minimum transportation allowance cannot be computed under the foregoing sub-divisions, the transportation allowance shall not be less than $.035 per pound milk fat.

(b) The maximum price at which any person whose place of business is located in any of the localities enumerated in paragraph (a) (1) may purchase milk from a producer who, during June, 1943, sold milk to another purchaser for resale for human consumption as fluid milk shall be the maximum price established by paragraph (a) of this order for the purchaser to whom the producer sold milk during June, 1943.

(c) *Definitions.* (1) "Fluid milk" means liquid cows' milk in a raw, unprocessed state meeting the minimum health and sanitary requirements specified by State and local health agencies, which is purchased for resale for human consumption as fluid milk, "In a raw, unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(2) "Person" means an individual, corporation, partnership, corporate association of producers, or any other organized group of persons, legal successor, or representative of any of the foregoing.

(3) "Producer" means a farmer, or other person or representative, who owns superintends, manages, or otherwise controls the operation of a farm on which milk is produced. Farmers' Cooperatives are producers, when (1) they do not own or lease physical facilities for receiving, processing, or distributing milk, and (2) they do own or lease physical facilities for receiving, processing, or distributing milk, but they act as selling agents for producers, whether members or not.

(4) "Purchaser" means any person who buys fluid milk from producers for resale for human consumption as fluid milk.

(5) Where the producer has customarily placed milk to be picked up by purchasers at a platform or other pick up point at or near his dairy, the term "f. o. b. producer's dairy" shall mean placed at such point.

(6) Where the name of any city or town named in this order is also the name of a sales area as defined by the Oregon Milk Control Board prior to June 1, 1943, the name of such city or town, shall for the purposes of this order, include the area within the boundaries of such sales area as defined by said order. The name of any county, city, or town, includes the area within a radius of three miles from the city limits if said city or town is incorporated and within a radius of three miles from the center of said city or town if it is not incorporated.

(d) Lower prices than those specified in this order may be solicited, offered or paid.

(e) *Evasion.* The price limitations of this order shall not be evaded by direct or indirect methods, by means of, or in connection with, any offer, solicitation, agreement, sale, delivery, purchase or receipt of or by way of, or in connection with, any commission, service, transportation, or other charge or discount, premium, or privilege, tying agreement, trade understanding, or change in any business trade practice.

(f) *Enforcement.* Purchasers violating any provision of this order are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspensions of licenses provided by the Emergency Price Control Act of 1942, as amended.

(g) This order may be revoked, amended or corrected at any time.

(h) This order shall supersede any previous order issued under Section 1351.408 of Maximum Price Regulation No. 329 applying to any of the counties or portions of counties specified in Section (a) (1) of this order.

This order shall become effective July 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of June 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-12371; Filed, July 30, 1943; 11:54 a. m.]

[Region VI Order G–18 Under 18 (c) of GMPR, Amdt. 1]

FLUID MILK IN MACOMB, ILL.

Amendment No. 1 to Order No. G–18 (formerly Regional Order No. 23), under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Macomb, Illinois.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered,* That paragraph 1 be amended to read as follows:

(1) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Macomb, Illinois area shall be established as follows:

	Wholesale	Retail
Regular milk:	*Cents*	*Cents*
Gallons	42	48
½ gallons	21	24
Quarts	11	13
Pints	6½	7½
½ pints	3¼	
Chocolate milk:		
Gallon	42	48
½ gallon	21	25
Quart	11	13
Pint	6½	7½
½ pint	3¼	

* * * * *

This amendment to Order No. G–18 shall be effective June 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12419; Filed, July 31, 1943; 11:17 a. m.]

[Region VI Order G–20 Under 18 (c) of GMPR and MPR 280, Amdt. 1]

FLUID MILK IN LINCOLN, NEBR.

Amendment No. 1 to Order No. G–20, (formerly Regional Order No. 25), under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for Lincoln, Nebraska.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered,* That paragraph 1 be amended to read as follows:

(1) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Lincoln, Nebraska area shall be established as follows:

	Wholesale	Retail
Grade A fluid milk:	*Cents*	*Cents*
Gallons	42	48
½ gallons	22	25
Quarts	12	13½
Pints	6	7
½ pints	3¼	4

This amendment to Order No. G–20 shall be effective as of June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12420; Filed, July 31, 1943; 11:17 a. m.]

[Region VI Order G–45 Under 18 (c) of GMPR and MPR 280, Amdt. 1]

FLUID MILK IN EAST ST. LOUIS, ILL.

Amendment No. 1 to Order No. G–45, (formerly Regional Order No. 57), under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for East St. Louis, Illinois.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 (a) of Maximum Price Regulation No. 280, *It is hereby ordered,* That paragraph 1 be amended to read as follows:

(1) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the East St. Louis, Illinois area shall be established as follows:

	Wholesale	Retail
Standard milk:	*Cents*	*Cents*
Bulk in cans, per gallon	50	
Gallon	52	58
Half gallon	27	30
Quart	13½	15½
Pint	7	8
½ quart	5	5½
½ pint	4	5
Homogenized milk:		
Bulk in cans, per gallon	54	
Gallon	56	62
Half gallon	29	32
Quart	14½	16½
Pint	7¼	8½
½ quart	5	6
½ pint	4	5
Guernsey, certified Guernsey and soft curd:		
Quart	17½	18½
Pint	8¾	10
½ quart	5	6
½ pint	4	5
Certified milk:		
Quart	16½	17½
Acidolphilus:		
Quart	23	25
Whole milk buttermilk:		
Quart	14	16
½ pint	3½	5
Pint	7¼	8½
½ quart	5	6
Skim buttermilk:		
Bulk in cans, per gallon	26	
Gallon	26	30
Quart	9	10
Skim milk:		
Bulk in cans, per gallon	26	
Gallon	26	30
Quart	9	10
Chocolate drink:		
Quart	14	16
½ quart	4½	5
½ pint	3½	4
Pint	7¼	8½

Sales of milk of all types by restaurants, hotels, and other eating establishments for consumption on the premises

	Cents
Pint	10
½ quart	8
½ pint	6

This amendment to order No. G–45 shall be effective June 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of May 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43–12421; Filed, July 31, 1943; 11:18 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 29, 1943.

REGION I

Boston Order 4, Amendment 2, Filed 12:11 p. m.
Boston Order 5, Amendment 1, Filed 12:11 p. m.
Boston Order 6, Filed 12:10 p. m.
Springfield Order 4, Filed 12:12 p. m.
Maine Order 4, Filed 11:53 a. m.
Rhode Island Order 3, Amendment 2, Filed 11:56 a. m.
Rhode Island Order 3, Amendment 3, Filed 11:56 a. m.
Worcester Order 4, Filed 11:58 a. m.
Springfield Order 5, Filed 12:12 p. m.
New Hampshire Order 3, Amendment 1, Filed 11:58 a. m.
Vermont Order 6, Filed 11:57 a. m.

REGION II

Philadelphia Order 1–A, Amendment 1, Filed 12:08 p. m.
Philadelphia Order 1–B, Filed 12:09 p. m.
Philadelphia Order 1–B, Amendment 1, Filed 12:09 p. m.
Newark Order 3, Amendment 3, Filed 12:07 p. m.
Newark Order 5, Filed 11:59 a. m.
New York Order 4, Amendment 2, Filed 11:59 a. m.
New York Order 4, Amendment 3, Filed 12:07 p. m.
Trenton Order 6, Filed 12:08 p. m.
Rochester Order 2, Amendment 1, Filed 12:01 p. m.
Rochester Order 4, Correction, Filed 12:10 p. m.

REGION IV

Montgomery Order 4, Amendment 1, Filed 12:00 p. m.
Montgomery Order 7, Amendment 1, Filed 12:00 p. m.
Montgomery Order 8, Filed 12:01 p. m.
Montgomery Order 9, Filed 12:05 p. m.
Montgomery Order 10, Filed 12:03 p. m.
Memphis Order 5, Filed 12:03 p. m.
Savannah Order 3, Amendment 1, Filed 12:02 p. m.

Savannah Order 6, Filed 12:02 p. m.
Charlotte Order 7, Filed 12:07 p. m.
Charlotte Order 8, Filed 12:05 p. m.

REGION V

St. Louis Order 3, Amendment 2, Filed 11:54 a. m.
St. Louis Order 4, Filed 11:56 a. m.
Shreveport Order 4, Amendment 3, Filed 11:52 a. m.
Shreveport Order 6, Filed 11:54 a. m.
Fort Worth Order 6, Filed 11:55 a. m.
Houston Order 5, Amendment 1, Filed 11:54 a. m.
San Antonio Order 4, Filed 12:05 p. m.
New Orleans Order 7, Filed 9:22 a. m.
Wichita Order G-4, Filed 11:52 a. m.

REGION VI

Omaha Order 3, Amendment 1, Filed 9:19 a. m.
Omaha Order 3, Amendment 2, Filed 9:20 a. m.
Omaha Order 4, Amendment 1, Filed 9:19 a. m.
Omaha Order 5, Filed 9:16 a. m.
Omaha Order 5, Amendment 1, Filed 9:20 a. m.
Omaha Order 6, Filed 9:16 a. m.
Omaha Order 6, Amendment 1, Filed 9:20 a. m.
La Crosse Order 3, Amendment 2, Filed 9:17 a. m.
La Crosse Order 5, Amendment 1, Filed 9:17 a. m.
Peoria Order 3, Amendment 2, Filed 9:20 a. m.
Peoria Order 5, Filed 9:21 a. m.
Peoria Order 5, Amendment 1, Filed 9:21 a. m.
Peoria Order 5, Amendment 2, Filed 9:21 a. m.
Quad-Cities Order 3, Amendment 2, Filed 9:18 a. m.
Quad-Cities Order 5, Filed 9:18 a. m.
Quad-Cities Order 6, Filed 9:19 a. m.
Springfield Order 11, Filed 9:23 a. m.
Milwaukee Order 19, Amendment 1, Filed 9:17 a. m.
Fargo-Moorhead Order 8, Filed 9:16 a. m.
Rockford Order 4, Filed 9:22 a. m.

REGION VII

New Mexico Order 7, Amendment 2, Filed 11:58 a. m.
New Mexico Order 9, Filed 12:13 p. m.
Denver Order 18, Filed 11:50 a. m.

Copies of these orders may be obtained from the issuing office.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12416; Filed, July 31, 1943; 11:16 a. m.]

[Region VI Order G-45 Under 18 (c) of GMPR and MPR 280, Amdt. 2]

FLUID MILK IN EAST ST. LOUIS, ILL.

Amendment No. 2 to Order No. G-45 (formerly Regional Order No. 57), under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Adjustment of fluid milk prices for East St. Louis, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 (a) of Maximum Price Regulation No. 280: *It is hereby ordered,* That Paragraph 1, as amended, be amended by the addition of the following language:

Restaurants, hotels and other eating establishments may sell milk of all types for consumption on the premises either at the prices set forth herein above, or at the prices established by them under § 1499.2 of the General Maximum Price Regulation.

This Amendment to Order No. G-45 shall be effective June 26, 1943.

Issued this 21st day of June, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12422; Filed, July 31, 1943; 11:18 a. m.]

[Region VI Order G-53 Under 18 (c) of GMPR]

FLUID MILK IN BRILLION, WIS.

Order No. G-53 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Brillion, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered:*

(a) The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Brillion, Wisconsin area shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be the higher:

	Wholesale	Retail
Regular standard milk:	*Cents*	*Cents*
Gallon	40	44
½ gallon	21	23
Quart	11	12
Pint	6	7
½ pint	3	4
Homogenized and chocolate milk:		
Gallon	40	44
½ gallon	21	23
Quart	11	12
Pint	6	7
½ pint	3	4
Buttermilk:		
Gallon	23	26
Quart	6	7
Pint	3	4

(b) Sales and deliveries within the Brillion, Wisconsin area shall mean:

(1) All sales and deliveries made within the city limits of Brillion, Wisconsin and all sales made by sellers at or from an establishment located in Brillion, Wisconsin; and

(2) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Brillion, Wisconsin.

(c) Regular standard milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of June, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12423; Filed, July 31, 1943; 11:19 a. m.]

FLUID MILK IN DIXON, ILL.

[Region VI Order G-60 Under 18 (c) of GMPR]

Order No. G-60 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Dixon, Illinois.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulations: *It is hereby ordered:*

(a) *Maximum prices.* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Dixon, Illinois area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	42	50
Quart	11½	13½
½ pint (bottles)	3	5
½ pint (paper)	3½	5
CHOCOLATE MILK		
Quart	12	14
½ pint	3	5
BUTTERMILK		
Gallon	30	
Quart	9	11
GUERNSEY MILK		
Quart	13	15
SKIM MILK		
Gallon	10	
Quart		5

2. Where the maximum price set forth above is expressed in terms of a ½¢, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* 1. Sales and deliveries within the Dixon, Illinois area shall mean:

i. All sales made within the corporate city limits of Dixon, Illinois and all sales at or from an establishment located in Dixon, Illinois; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its sup-

ply of milk from a seller at wholesale located within Dixon, Illinois.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of June, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12424; Filed, July 31, 1943; 11:19 a. m.]

[Region VI Order G-61 Under 18 (c) of GMPR]

FLUID MILK IN MERRILL, WIS.

Order No. G-61 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Merrill, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) *Maximum prices.* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Merrill, Wisconsin area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	38	44
Quart	10½	12
Pint	5½	6½
½ pint	3	5
CHOCOLATE MILK		
Gallon	38	44
Quart	10½	12
Pint	5½	6½
½ pint	3	5
BUTTERMILK		
Gallon	----------	24
Quart	6	8

2. Where the maximum price set forth above is expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* 1. Sales and deliveries within the Merrill, Wisconsin area mean:

i. All sales made within the corporate city limits of Merrill, Wisconsin and all sales at or from an establishment located in Merrill, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Merrill, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of May, 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12425; Filed, July 31, 1943; 11:20 a. m.]

[Region VI Order G-62 under 18 (c) of GMPR]

FLUID MILK IN TOMAHAWK, WIS.

Order No. G-62 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Tomahawk, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Tomahawk, Wisconsin area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	38	46
½ gallon	20	24
Quart	10	12
Pint	6	7
½ pint	3½	5
GUERNSEY MILK		
Quart	12	14
Pint	6	8

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Tomahawk, Wisconsin area shall mean:

i. All sales made within the city limits of Tomahawk, Wisconsin, and all sales at or from an establishment located in Tomahawk, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Tomahawk, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12426; Filed, July 31, 1943; 11:20 a. m.]

[Region VI of Order G-63 under 18 (c) of GMPR]

FLUID MILK IN LE MARS, IOWA

Order No. G-63 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Le Mars, Iowa.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation; *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Le Mars, Iowa area are hereby established as follows:

	Wholesale	Retail
REGULAR MILK	*Cents*	*Cents*
Gallon	34	44
Quart	10	12
Pint	5	----------
½ pint	3	----------
CHOCOLATE MILK		
Gallon	34	44
Quart	10	12
Pint	5	----------
½ pint	3	----------
BUTTERMILK		
Quart	8	10

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Le Mars, Iowa area shall mean:

i. All sales made within the city limits of Le Mars, Iowa and all sales at or from an establishment located in Le Mars, Iowa; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment

obtaining the major portion of its supply from a seller at wholesale located within Le Mars, Iowa.

2. Milk shall mean cow's milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12427; Filed, July 31, 1943; 11:22 a. m.]

[Region VI Order G-64 Under 18 (c) of GMPR]

FLUID MILK IN RICHLAND CENTER, WIS.

Order No. G-64 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Richland Center, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) *Maximum prices.* Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Richland Center, Wisconsin area are hereby established as follows:

	Wholesale	Retail
REGULAR STANDARD BUTTERFAT MILK	*Cents*	*Cents*
Quart	10½	12
Pint	5½	7
½ pint	3	5
CHOCOLATE MILK		
Quart	10½	12
Pint	5½	7
½ pint	3	5
BUTTERMILK		
Quart	8	11

(b) *Definitions.* For the purposes of this order:

1. Sales and deliveries within the Richland Center, Wisconsin area shall mean:

i. All sales made within the city limits of Richland Center, Wisconsin and all sales at or from an establishment located in Richland Center, Wisconsin; and

ii. All sales of fluid milk by any seller at retail or at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Richland Center, Wisconsin.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 percent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

RAYMOND S. MCKEOUGH,
Regional Administrator.

[F. R. Doc. 43-12428; Filed, July 31, 1943; 11:22 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on July 30, 1943.

REGION VI

Detroit Order 2, Amendment 2, Filed 12:24 p. m.
Detroit Order 4, Amendment 5, Filed 12:24 p. m.
Detroit Order 5, Filed 12:24 p. m.
Detroit Order 5, Amendment 1, Filed 12:23 p. m.
Detroit Order 6, Filed 12:23 p. m.
Columbus Order 4, Filed 12:27 p. m.
Columbus Order 5, Filed 12:28 p. m.
Columbus Order 6, Filed 12:29 p. m.
Saginaw Order 13, Filed 12:21 p. m.
Saginaw Order 14, Filed 12:21 p. m.
Saginaw Order 16, Filed 12:25 p. m.
Cincinnati Order 2, Amendment 2, Filed 12:20 p. m.
Cincinnati Order 3, Amendment 4, Filed 12:27 p. m.
Grand Rapids Order 4, Amendment 2, Filed 12:22 p. m.
Grand Rapids Order 5, Amendment 2, Filed 12:22 p. m.
Toledo Order 4, Filed 12:20 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12451; Filed, July 31, 1943; 2:44 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-566]

WEST TEXAS UTILITIES COMPANY AND THE MIDDLE WEST CORPORATION

ORDER FURTHER EXTENDING TIME FOR PURCHASE OF SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July 1943.

On January 25, 1943, this Commission after a public hearing, issued its order with respect to a combined application and declaration, as amended, filed by West Texas Utilities Company and The Middle West Corporation regarding a proposed offer by West Texas Utilities Company to purchase all the outstanding securities of Pecos Valley Power & Light Company. Said application was granted and said declaration permitted to become effective subject to certain conditions.

The purchase offer became effective January 30, 1943 for a thirty-day period and, at the option of the company was subsequently extended to and including March 30, 1943. Subsequently West Texas Utilities Company filed Supplemental Applications, numbered 1 and 2, requesting, and the Commission granted, extensions to June 30, 1943 and to July 31, 1943 within which West Texas Utilities Company could make purchases pursuant to such offer. It is represented that at the close of business on July 26, 1943, 97.53% of the outstanding First Mortgage Bonds, 96.94% of the outstanding Income Debentures and 93.66% of the outstanding common stock of Pecos Valley Power & Light Company had been deposited pursuant to the terms of said offer.

The offer as made by the applicant provided that West Texas Utilities Company had the right at its option to purchase all securities offered if at least 90% of the principal amount of the bonds, 90% of the principal amount of the debentures and 80% of the shares of common stock of Pecos Valley Power & Light Company were deposited pursuant to such offer. Such percentages having been deposited, West Texas Utilities Company has elected to purchase all the securities deposited.

West Texas Utilities Company has now filed its amended Supplemental Application No. 3 requesting a further extension of the period within which it may purchase the outstanding securities of Pecos Valley Power & Light Company to August 31, 1943; and

It appearing appropriate to the Commission that such request be granted for the period from July 31, 1943 to August 31, 1943;

It is ordered, That the period within which West Texas Utilities Company may purchase the outstanding securities of Pecos Valley Power & Light Company be and the same is hereby extended to and including August 31, 1943, subject to the same conditions imposed by our order of January 25, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12448; Filed, July 31, 1943; 12:58 p. m.]

[File Nos. 70-752, 70-753]

IDAHO POWER CO. AND ELECTRIC POWER AND LIGHT CORP.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 29th day of July, A. D. 1943.

In the matters of Idaho Power Company, Electric Power & Light Corporation, File No. 70–753; and Electric Power & Light Corporation, File No. 70–752.

Competitive bidding. Exemption: Application for exemption from competitive bidding requirements of subsections (b) and (c) of Rule U-50 with respect to the sale of 450,000 shares of $20 par value common stock of utility subsidiary of registered holding company, granted, pursuant to subparagraph (a) (5) of Rule U-50, and subject to the terms and conditions prescribed by Rule U-24.

Appearances. Wright, Gordon, Zachry, Parlin & Cahill of New York City by Wallace P. Zachry and Daniel James for Electric Power & Light Corporation. Reid & Priest of New York City by James L. Boone, and A. C. Inman of Boise, Idaho for Idaho Power Company. Sidney Willner and Chas. H. Kinnane for the Public Utilities Division.

Electric Power & Light Corporation ("Electric")[1] has filed a separate declaration and application (File No. 70–752) in these consolidated proceedings, concerning, among other things, a proposed sale of 450,000 shares of $20 par value common stock of its electric utility subsidiary, Idaho Power Company ("Idaho"), after (1) making a capital contribution to Idaho which will consist in part of 60,000 of the presently outstanding 150,000 shares of $100 par value common stock of Idaho, all of which 150,000 shares are held by Electric, and after (2) the remaining 90,000 outstanding shares of such $100 par value common stock have been split five shares for one. Electric by amendment to its declaration and application has applied for an exemption in respect to such proposed sale from the competitive bidding requirements of subsections (b) and (c) of Rule U-50 and has further requested that our order on such requested exemption issue at the earliest possible date and in advance of any other order in these consolidated proceedings.

After appropriate notice, a public hearing was held, and we have considered the record in regard to such requested exemption.

We have always emphasized, in dealing with problems of exemption from competitive bidding, that our decision in any particular case must depend upon an evaluation of all of the relevant factors therein and that these will necessarily differ in balance and weight from those in any other case. One of the most important of these factors is the type of security which is proposed to be sold. While Rule U-50 was drawn advisedly to cover issues and sales of common stock, we of course recognize that the factors affecting the conditions of sale of such a security differ considerably from those involved in the sale of senior securities and that a showing which would be insufficient to support an exemption in the latter situation may be sufficient in the former. We have therefore evaluated the testimony regarding the special problems which affect the sale of the common stock of Idaho from this perspective. These problems relate in part to the general lack of knowledge among investors concerning the Idaho Company, the fact that its common stock has never been available in the market and is thus not "seasoned", and in part to the fact that a cursory study of the company might well result in misunderstanding the prospects of its continuing to hold certain contract rights which are deemed to be valuable to it. Joe H. Gill, the president of Electric, testified that in his opinion the combination of these factors makes it important, in the interest of obtaining an advantageous price for the stock, that a thorough education be given to prospective purchasers. He felt this could best be given in the process of negotiation.

While we are not persuaded that competitive bidding would not be feasible in this situation, in view of all the circumstances herein, including the type of security, the judgment of the seller that a better price can be obtained by negotiation for the reasons already given, the lack of evidence of any affiliation between the seller and any of the prospective purchasers and the representation that the negotiations will be carried on as far as possible on a freely competitive basis,[2] we find that compliance with the competitive bidding requirements of subsections (b) and (c) of Rule U-50 is not necessary in the public interest, to protect investors or consumers, to insure the receipt of adequate consideration or to insure reasonableness of any fees or commissions to be paid in respect to such sale, and that an exemption from Rule U-50 may appropriately be granted. Our action in granting the exemption is not to be taken as an indication of what decision might be necessary if any of the circumstances here present were absent or if additional circumstances not now present existed.

It is therefore ordered, That pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, the said application for exemption of the sale of the Idaho common stock from the requirements of subsections (b) and (c) of Rule U-50 as to competitive bidding be, and it hereby is granted subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

It is further ordered, That jurisdiction be and it hereby is, reserved expressly to pass upon all other matters involved in these consolidated proceedings, and to pass, in case of sale of such shares, upon the price to be received therefor by Electric, the spread between the price to Electric and the offering price to the public, and all other matters relating to terms and conditions of said sale.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–12449; Filed, July 31, 1943; 12:58 p. m.]

[1] Electric is a registered holding company under the Public Utility Holding Company Act of 1935 and a subsidiary of Electric Bond and Share Company which is also a registered holding company under the Act.

[2] The president of Electric has undertaken to keep a record of all negotiations in regard to said sale and to report all such negotiations to us.

[File No. 1–1924]

THE LOUDON PACKING COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July, A. D. 1943.

The Loudon Packing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, having made application to the Commission to withdraw its common stock, no par value from listing and registration on The Chicago Stock Exchange and the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:30 a. m. on Monday, August 16, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–12447; Filed, July 31, 1943; 12:57 p. m.]

[File No. 70–763]

NATIONAL POWER & LIGHT COMPANY, MEMPHIS GENERATING COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July, A. D. 1943.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than August 7, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

National Power & Light Company ("National"), a registered holding company, owns all of the capital stock of Memphis Generating Company ("Memphis") consisting of 50,500 shares of common stock with a par value of $100 per share. National proposes to sell to Memphis and the latter proposes to purchase from National 3,500 shares of said common capital stock for a total consideration of $350,000 in cash, payable upon delivery of a certificate or certificates representing 3,500 shares. Memphis proposes to retire the said 3,500 shares and effect a reduction of its capital in the amount of $350,000.

The proposed transaction is stated to be a step in compliance with the Order of the Commission dated August 23, 1941, directing the dissolution of National.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12446; Filed, July 31, 1943; 12:57 p. m.]